

University of Oklahoma College of Law

## University of Oklahoma College of Law Digital Commons

---

American Indian and Alaskan Native Documents in the Congressional Serial Set: 1817-1899

---

5-20-1882

### General deficiency bill.

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



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

---

#### Recommended Citation

H.R. Rep. No. 1274, 47th Cong., 1st Sess. (1882)

This House 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 [Law-LibraryDigitalCommons@ou.edu](mailto:Law-LibraryDigitalCommons@ou.edu).

GENERAL DEFICIENCY BILL.

MAY 20, 1882.—Recommitted to the Committee on Appropriations and ordered to be printed.

Mr. HISCOCK, from the Committee on Appropriations, submitted the following

REPORT:

[To accompany the bill (H. R. 6243) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1882, and for prior years, and for those certified as due by the accounting officers of the Treasury in accordance with section 4 of the act of June 14, 1878, heretofore paid from permanent appropriations, and for other purposes.]

In presenting the regular deficiency appropriation bill, the Committee on Appropriations submit the following report in explanation thereof:

The bill is principally based on the estimates presented in House Ex. Doc. No. 33, being the annual deficiency estimates from the Treasury Department, and upon the estimates in House Ex. Doc. No. 26, claims allowed by accounting officers of the Treasury under the act of June 14, 1878, and House Ex. Doc. No. 202, and other estimates and letters amounting to about \$4,000,000; of which there is recommended as follows: (See summary of the principal matters classified under appropriate headings below.)

The bill is made up in the following manner: The first section is based mainly on the House Ex. Doc. No. 33, and is largely for deficiencies in the appropriations for the current fiscal year; the second section includes most of the matter estimated for in House Ex. Doc. No. 26, and the third all that of House Ex. Doc. No. 202, except the Indian estimates. It should be stated that the original estimate under Executive Document 33 was \$23,159,690.81, \$20,000,000 of which was for pensions, which has been disposed of; the estimate has also been reduced by a revision of the Indian Affairs estimate, upon which many of the amounts had been disposed of in H. R. 4221 and otherwise; the Indian estimate was reduced from \$782,342.21 to \$91,258.22, so that the Ex. Doc. 33, as relates to this bill, stood at \$2,468,606.02; \$292,197.51 was provided for in H. R. 4221, and \$135,554.79 was disallowed.

There is also appropriated in the first section the additional sum of \$2,132,767.22, based upon department letters, manuscript, and printed and other letters and applications.

SUMMARY RECAPITULATION OF AMOUNTS IN BILL.

For the Department of State (including Yorktown Centennial, \$32,328.92)	\$62,982 88
Treasury and miscellaneous.....	129,425 30
Court of Claims.....	340,938 00
Internal revenue.....	278,000 00
Repayment to importers.....	300,000 00

## GENERAL DEFICIENCY BILL.

Charges and commissions cases .....	\$150,000 00
War Department .....	1,049,629 00
Navy Department (including Marine Corps) .....	426,069 13
Interior Department, miscellaneous .....	89,461 07
Indians .....	396,582 77
To complete the taking of the tenth census .....	80,000 00
Post-Office Department .....	4,087 49
Department of Justice .....	555,000 00
House of Representatives .....	27,828 16
Pay of two and three years' volunteers .....	95,000 00
Bounty to volunteers .....	230,000 00
Payment of arrears to officers and soldiers, United States Army .....	25,000 00
District of Columbia .....	34,356 90
Relief of F. E. Spinner, late Treasurer of the United States .....	47,097 65
Under House Ex. Doc. No. 26, claims allowed by accounting officers of the Treasury .....	833,817 16
Under House Ex. Doc. No. 202, supplementary of the same .....	116,993 75
Under House Ex. Doc. No. 184, to refund to the State of Missouri expenses incurred in aiding to suppress the rebellion .....	234,594 10
Total .....	<u>5,506,863 36</u>
Amount for Post-Office Department out of postal revenues .....	3,266,639 61
Amount to Indians to be paid out of their own funds, &c .....	219,951 00
Total .....	<u>3,486,590 61</u>

It is believed that this bill provides, as far as is necessary, for the total existing and estimated deficiencies in the appropriations for the service of the government, as the committee have delayed reporting it for some weeks to the end that a full and final recommendation might be made at once, and the several departments have been made fully aware of that fact.

Here follow various letters from heads of departments and others, replies to committee to letters asking explanation and further information upon the cause of the deficiency and the necessity for an appropriation.

## APPENDIX.

DEPARTMENT OF STATE,  
*Washington, May 16, 1882.*

SIR: I have the honor to acknowledge the receipt of your letter of the 12th instant, in relation to the proposed compensation of Mr. Chester Holcombe for his services in the negotiation of the late treaties with China. In reply to your inquiry, I have to say that the law authorizing employment is contained in the act making appropriations for the consular and diplomatic service for the year ending June 30, 1881, approved May 14, 1880 (21 Statutes at Large, 133, 134), and provides, "For one secretary to the commission, four thousand dollars." Under this act Mr. Pethick was appointed secretary. He declined, and Mr. Holcombe, the secretary of legation at Peking, was appointed in his place. He has been paid his salary as secretary and interpreter of legation. The accounting officers of the Treasury have doubts whether he can also receive the salary as secretary of the commission. The proposed provision is to interpret the existing law so as to warrant the payment to him of money already appropriated as compensation for work performed by him in addition to the work required of him as secretary of legation and interpreter.

I have the honor to be, sir, your obedient servant,

FRED'K T. FRELINGHUYSEN.

HON. FRANK HISCOCK,

*Chairman of the Committee on Appropriations, House of Representatives.*

DEPARTMENT OF STATE,  
*Washington, March 6, 1882.*

SIR: I have the honor to state that I have received a communication from the Secretary of War, from which it appears that the officer of the Army detailed by him to take charge of the military ceremonies at the Yorktown centennial celebration, expended in the entertainment of the guests of the nation on that occasion, at Yorktown, the sum of \$1,065.78. This expenditure was made with the expectation that the amount would be paid out of the appropriation for the expenses of the celebration, under an arrangement between the War Department and the then Secretary of State, but the matter was lost sight of, and the appropriation being now exhausted, there are no funds at my disposal for the payment of the very moderate and necessary expenses incurred under instructions issued by the Secretary of War. I therefore earnestly recommend that an appropriation be made to reimburse the proper officer the above sum, which has been actually expended for the entertainment of the guests of the nation.

I have the honor to be, sir, your obedient servant,

FRED'K T. FRELINGHUYSEN.

HON. FRANK HISCOCK,

*Chairman of the Committee on Appropriations, House of Representatives.*

YORKTOWN CENTENNIAL COMMISSION,  
*Washington, D. C., April 10, 1882.*

SIR: I have the honor to state that the commission created by the act approved March 3, 1881, and of which I have the honor to be chairman, were compelled, in order to carry out the provisions of that act, and of the act of June 7, 1780, of which it was amendatory, to incur a deficiency in the name of the commission, which remains unpaid, to the amount of \$22,925.76.

In behalf of the commission I respectfully request that the necessary appropriation be made to discharge the same.

Accompanying this I inclose the acts of Congress under which these expenses were

incurred, together with an abstract of the same and the vouchers therefor, numbered from 1 to 35.

I have the honor to be, your obedient servant,

JOHN W. JOHNSTON,

*United States Senator, and Chairman of the Yorktown Centennial Commission.*

HON. FRANK HISCOCK,

*Chairman Committee on Appropriations, House of Representatives.*

This charter party made on the 16th day of June, 1881, by and between the Potomac Steamboat Company of the first part and the Hon. John W. Johnston and the Hon. George B. Loring, on behalf of the Yorktown Centennial Commission, constituted by act of Congress, of the second part.

1. The party of the first part hereby agrees to charter to the party of the second part the steamer George Leary from the 17th of October, 1881, till midnight on the 21st of the same month to transport from Washington to Yorktown, and provide with meals and sleeping accommodations for not more than 250 persons during said passage from Washington to Yorktown, the period during which the steamer shall remain at Yorktown, and on the trip back to Washington, it being understood that the steamer is to leave Washington for Yorktown on the 17th of October, and to leave Yorktown on her return trip to Washington not later than the 21st of October.

2. The party of the first part also agrees to furnish meals to a reasonable number of persons, in addition to the aforesaid 250, at Yorktown, at the rate of 75 cents for each meal for each person.

3. The party of the second part shall have the use of all the accommodations of the steamer of every sort, except such as are required for the use of the officers and crew and officers of the company, and the same shall be under their control, the entire care thereof, as well as the care and control of the steamer, remaining to the party of the first part, who shall furnish all stores, provisions, and supplies requisite, except wines, liquors, and cigars, which shall be supplied by the party of the second part.

4. The party of the second part hereby agrees to pay for the charter of the steamer as aforesaid the sum of \$6,000; \$2,000 thereof to be paid on the signing of this contract, and the balance, \$4,000, before the boat leaves Washington for Yorktown. Should the steamer be delayed longer than midnight of the 21st of October, 1881, it is hereby agreed and understood that an additional sum shall be paid for each and every day or portion thereof during which she so detained at the same rate as that above charged.

5. It is further agreed that the party of the second part shall have the privilege, during the period of this charter party, or any extension thereof, to be transported in the steamer to any point on Chesapeake Bay, or the tributaries thereof, and they shall pay the cost of the coal consumed by the steamer during all such trips.

GEO. MATTINGLY,

*Superintendent Potomac S. T. B. Co.*

JOHN W. JOHNSTON,

Per L. C. DUNCAN.

Witness:

WM. P. WELCH.

WASHINGTON, October 12, 1881.

It is hereby agreed by and between the above-named parties that the steamer Excelsior shall be substituted in the place of the steamer George Leary, and that the party of the second part shall pay therefor an additional sum of \$2,000, making the total sum payable under said charter \$3,000, of which \$2,000 have already been paid; \$3,000 shall be paid before the steamer leaves Washington under said charter, and the balance as soon thereafter as the Yorktown Centennial United States Congressional Commission, the said party of the second part, shall have funds sufficient for the purpose, or the same shall be provided by act of Congress.

It is further agreed and understood that any additional payment for detention of the said steamer, as stipulated in the foregoing contract, of which this shall be taken to be a part, shall be at the rate fixed by this supplement thereto.

Witness the hands of the said parties the said 12th day of October, A. D. 1881.

The Yorktown Centennial Commission constituted by act of Congress.

By

JOHN W. JOHNSTON,

*Chairman.*

Test:

L. C. DUNCAN.

This contract was made by the Yorktown Congressional Commission. The balance due the Potomac Steamboat Company is \$3,000, the payment of which I, as chairman, by virtue of express authority from the commission, do hereby approve.

JOHN W. JOHNSTON,

*Chairman of Commission.*

OFFICE OF THE POTOMAC STEAMBOAT COMPANY,  
Washington, D. C., April 10, 1882.

SIR: Understanding that the Committee on Appropriations is about to take up the deficiency bill, I beg leave to call attention to the claim of this company, constituting an item of \$3,114 thereon.

By the contract between this company and the Yorktown Centennial Commission of June 16, 1881, and supplement thereto of October 12, 1881, it was agreed that \$3,000 of the charter money of the steamer Excelsior, chartered by the commission of this company, should be paid as soon as the commission "shall have funds sufficient for the purpose, or the same shall be provided by act of Congress."

The Yorktown Centennial Commission being short of funds, this sum of \$3,000 has never been paid.

I submit herewith a copy of the contract, but shall not further enlarge on the merits of this claim, believing that only examination is needed to satisfy the Committee on Appropriations that it is just and proper. The sum of \$114 additional is for extra transportation, some of it prior to the period for which the steamer was chartered.

The whole claim I understand is approved by Col. H. C. Corbin and the officers connected with the Yorktown Centennial Commission.

I have the honor to be your obedient servant,

CHARLES CHAUNCEY,  
President Potomac Steamboat Company.

Hon. FRANK HISCOCK,  
Chairman of Committee on Appropriations.

P. S.—I beg leave to call attention to the indorsement of the Hon. John W. Johnston, chairman Yorktown Centennial Commission, on the copy of the contract herewith submitted.

DEPARTMENT OF STATE,  
Washington, February 16, 1882.

SIR: Referring to the estimate of five thousand dollars submitted to Congress by this department for the expenses of the international commission for the establishment of electrical unity, I have the honor to lay before your committee a copy of a communication from Prof. George F. Barker, of the University of Pennsylvania, explanatory of the character of the work which the international commission proposes to undertake.

In view of the deep interest which is felt in this subject by men of science, and practical electricians in America, and of the important bearing which the proposed investigations have upon the progress of science and the development of industry in this country, I beg to commend to your favorable consideration the views expressed by Professor Barker on the subject in his above-named letter, particularly as to the sum of money which will be required to make the necessary experiments.

It will be observed that the American members of the commission are willing to serve without compensation, provided their necessary expenses are defrayed.

I have the honor to be, sir, your obedient servant,

FREDK. T. FRELINGHUYSEN.

Inclosure: (Prof. George F. Barker to Mr. Brown, dated February 2, 1882. Copy.)

Hon. FRANK HISCOCK,  
Chairman of the Committee on Appropriations,  
House of Representatives.

PHILADELPHIA, February, 2, 1882.

SIR: In response to your letter of January 8, I have to say:

"That the International Congress of Electricians, in session in Paris, in September last, voted to create an international commission to be "charged with determining, for practical purposes, the length of a column of mercury a square millimeter in cross-section, which at the temperature of zero centigrade, represents the value of the ohm."

That the congress requested the French Government to confer with the other powers with reference to the appointment of a commission charged with the researches necessary to establish these units.

That in October, the Hon. L. P. Morton addressed a communication to Mr. Secretary Blaine, stating the receipt of a communication on this subject from the minister

of foreign affairs, and suggesting the confirmation by the United States Government of the names already proposed by the congress. These names were:

Professor Rowland, of Baltimore; Professor Trowbridge, of Cambridge, and Professor Barker, of Philadelphia.

That on October 20 the following cable was received by Mr. Morton from Mr. Blaine: "Your suggestion of Professors Barker, Rowland, and Trowbridge, on international electrical commission, is approved. I will correspond with Professor Trowbridge. You will ask Barker and Rowland and telegraph me if they accept this honorary charge." After consultation the following answer was returned:

"Professor Barker accepts for self and for Rowland, who is in Baltimore." Mr. Morton adds: "I doubt not you will receive in due course an official notification of your appointment from the Secretary of State."

That in consequence of this correspondence, and notwithstanding the non-receipt of the official appointment, Professor Rowland and myself believed ourselves entitled to act in this matter. And the following resolution, proposed by us, was unanimously adopted by the National Academy of Sciences at its session in Philadelphia in November last:

"Resolved, That the formation of an international commission upon electrical units, as suggested by the International Congress of Electricians lately in session in Paris, receives the cordial indorsement of the National Academy of Sciences. And that the academy urges upon Congress the necessary appropriation to enable the members of this academy, already appointed on this commission through the Department of State, to carry out the needed experimental determinations with credit to the country."

That in view of the present great importance of electrical matters in this country, the United States cannot afford to be unrepresented in an international commission created to fix definitely the units by which electricity is measured. The gentlemen named on the part of the United States are willing to serve without compensation, provided the necessary expense be defrayed. The first problem proposed is to determine the value of the unit of resistance by ascertaining with all attainable accuracy the length of the column of mercury of one millimeter cross-section, which at zero centigrade has this resistance. To make this determination requires the most refined means at the disposal of science. Our estimate of the cost of the apparatus necessary to make this measurement, together with the subsidiary investigations involved in it, including the expense of the determination itself, will not, we believe, exceed \$10,000.

In the hope that this communication may be of service, I beg to remain,

Your obedient servant,

GEORGE F. BARKER.

MR. SEVELLON A. BROWN,  
*Chief Clerk, Department of State.*

TREASURY DEPARTMENT,  
*April 7, 1882.*

SIR: I have the honor to transmit herewith, with favorable recommendation, copy of a communication received from the First Comptroller of the Treasury requesting that an allowance of \$1,000 each be made to two clerks employed in his office for extra and valuable services rendered by them beyond the usual office hours during the past year; and in connection therewith to invite attention to a similar communication transmitted to your committee on the 23d of February last.

I would suggest that this item may properly be considered in connection with the recommendation of the department of January 25, 1882, for an appropriation of \$7,570 as additional compensation to other employes of the department.

Very respectfully,

CHAS. J. FOLGER,  
*Secretary.*

Hon. FRANK HISCOCK,  
*Chairman Committee on Appropriations, House of Representatives.*

TREASURY DEPARTMENT, FIRST COMPTROLLER'S OFFICE,  
*Washington, D. C., April 5, 1882.*

SIR: Referring to my letter to you of February 21st last, in which I stated briefly the reasons for allowing additional compensation, for extra and valuable services, to two clerks in this office, John Arthur and Felix Brannigan, I would respectfully recommend that such compensation should be not less than one thousand dollars (\$1,000) to each of them.

I stated, in the letter referred to, that these gentlemen "have, during the past year, rendered services almost daily beyond the usual office hours," and that "these services in character are much more valuable than ordinary clerical services"; yet their regular compensation is only at the rate of sixteen hundred dollars (\$1,600) each per annum.

I alluded in my last annual report to the steady increase of the daily work in this office, and the difficult questions of law which are constantly arising in the settlement of claims involving immense demands upon the National Treasury. It is impossible, without the aid of special legal ability and of familiarity with the administration of the fiscal system of the government, to give to the multitude of such questions the thorough investigation necessary to their correct determination and to the protection of the Treasury. I have received from Messrs. Arthur and Brannigan the benefit of these rare qualities; and as the regular salaries which they receive do not form an adequate compensation for the exercise of such qualities, even during the customary office hours, I trust that the recommendation above made will be favorably acted on by Congress.

I have the honor to be, very respectfully,

WM. LAWRENCE,  
*Comptroller.*

HON. CHARLES J. FOLGER,  
*Secretary of the Treasury.*

---

TREASURY DEPARTMENT, FIRST COMPTROLLER'S OFFICE,  
*Washington, D. C., February 21, 1882.*

SIR: It is understood that the Secretary of the Treasury has called the attention of Congress to the fact that while the five and six per cent. government bonds were being converted into the extended three-and-a-half per cents., a large number of clerks in the Treasury Department rendered services beyond the usual office hours in order that, if deemed proper, provision might be made for giving them additional compensation.

In this connection I respectfully call your attention to the fact that two of the clerks in my office, John Arthur and Felix Brannigan, the latter of whom has been assigned to duty in this office from the office of the Commissioner of Internal Revenue, have, during the past year, rendered services almost daily beyond the usual office hours. Mr. Brannigan was assigned to duty here as a law clerk, in which capacity he has been very efficient and useful; and I deem it but just that compensation should be made to him for the additional time over the usual office hours in which he has rendered services. I make the same recommendation as to Mr. Arthur, who has rendered valuable and efficient services in verifying authorities and citations made in my written opinions and decisions, in correcting proof from the printers, and otherwise aiding in their publication. These services in character are much more valuable than ordinary clerical services, and it seems to me that provision should be made for compensation with reference to that fact.

I have the honor to be, very respectfully,

WM. LAWRENCE,  
*Comptroller.*

HON. CHARLES J. FOLGER,  
*Secretary of the Treasury.*

---

TREASURY DEPARTMENT,  
*February 23, 1882.*

SIR: I have the honor to forward herewith, for the consideration of your committee, copy of a communication from the First Comptroller of the Treasury of the 21st instant, requesting that provision be made for compensation to certain employes in his office for additional services rendered by them beyond the usual office hours during the past year.

Very respectfully,

CHAS. J. FOLGER,  
*Secretary.*

HON. FRANK HISCOCK,  
*Chairman Committee on Appropriations, House of Representatives.*



INSTANCES OF COMPENSATION ALLOWED BY CONGRESS TO OFFICERS AND EMPLOYÉS OF THE GOVERNMENT FOR EXTRA WORK.

The Statutes at Large contain many examples of allowances made by Congress to officers and employés of the government in compensation for services rendered by them beyond the ordinary duties of their places and the usual hours of office attendance.

Among the more recent of such examples are the following:

The deficiency appropriation act of March 3, 1873 (17 Stat. at L., 530, 535, 536, 542), contained an item of \$1,000 for W. H. Shirley "for additional clerical services \* \* \* in the investigation and settlement of accounts for abandoned and captured property"; an item of \$1,500 for Francis A. Walker "for extra services and labor performed by him while \* \* \* Commissioner of Indian Affairs"; and an item of \$1,000 each for William M. Ireland and J. M. McGrew "for preparing regulations and instructions for the use of the Post-Office Department under the new postal code."

The sundry civil appropriation act of July 31, 1876 (19 Stat. at L., 105), contained an item of \$1,000 to William J. McDonald for preparing a new edition of the Parliamentary Manual for the Senate.

Congress has in various appropriation acts during the past twelve years allowed to the Chief Clerk and one of the judges of the Court of Claims \$1,000 for each volume of the Opinions of that court and the Digest thereof, edited by them.—(Vide 16 Stat. at L., 235, 480; 17 *id.*, 82, 508; 18 *id.*, 108, 369; 19 *id.*, 168, 319; 20 *id.*, 206; 21 *id.*, 23, 237, 413.)

Congress has also, in effect, authorized the Attorney-General to pay to a clerk in his office, for like services in printing recent volumes of the Opinions of the Attorney-General (21 Stat. at L., 236), \$1,000.

The extra services rendered in the past year by the undersigned were wholly of a legal character, and, it is believed, exceeded in volume those which were rendered in any of the cases provided for in the acts above referred to. They were also, except perhaps in the case of Francis A. Walker, such as called for more special skill, training, and knowledge.

Night after night, Sunday and holiday alike, the pressure upon us was so great as to necessitate steady, unremitting application, even during the most sultry part of the summer.

Very respectfully,

JOHN ARTHUR.  
FELIX BRANNIGAN.

Hon. FRANK HISCOCK,  
*Chairman Committee on Appropriations, House of Representatives.*

TREASURY DEPARTMENT,  
*Washington, January 25, 1882.*

SIR: I have the honor to submit herewith the draft of a bill, the pas-age of which I recommend, and to invite your attention to the following facts upon which my recommendation is based:

In April last, the policy of continuing, at a lower rate of interest, the five and six per cent. bonds of 1881, then about to become redeemable, was entered into and carried out by my predecessor without the aid of an appropriation for such extra expenses as would naturally arise from the greatly increased operations of the Treasury.

In order to meet the demands upon the department, it became necessary not only to add to the force of the divisions having charge of the work every employé of the department who could be spared from his regular duties, but to require the more experienced ones to give the closest attention to the work in hand, some of them remaining at their desks twelve and fourteen hours a day for weeks in succession.

It was, in a great measure, owing to their faithful efforts that the government was able to complete, within a period of five months, the work of refunding \$579,560,050 five and six per cent. bonds.

It seems but just that men whose energies have been so severely taxed should be compensated for the extra labor performed, especially as the capacity of the department was for the time practically doubled by their exertions, and I hope that the inclosed bill, which provides payment for work done outside of and in addition to the usual business hours, may be passed separately or as a part of the proper appropriation bill.

A similar letter has this day been transmitted to the Senate Committee on Appropriations.

Very respectfully,

CHAS. J. FOLGER,  
*Secretary.*

Hon. FRANK HISCOCK,  
*Chairman Committee on Appropriations, House of Representatives.*

## GENERAL DEFICIENCY BILL.

9

TREASURY DEPARTMENT,  
OFFICE OF THE SECRETARY,  
Washington, D. C., April 7, 1882.

SIR: I have the honor to transmit herewith, with favorable recommendation, copy of a communication received from the First Comptroller of the Treasury, requesting that an allowance of \$1,000 each be made to two clerks employed in his office, for extra and valuable services rendered by them beyond the usual office hours during the past year; and in connection therewith to invite attention to a similar communication transmitted to your committee on the 23d of February last.

I would suggest that this item may properly be considered in connection with the recommendation of the department of January 25, 1882, for an appropriation of \$7,570 as additional compensation to other employes of the department.

Very respectfully,

CHARLES J. FOLGER,  
Secretary.

Hon. FRANK HISCOCK,  
Chairman Committee on Appropriations, House of Representatives.

TREASURY DEPARTMENT,  
FIRST COMPTROLLER'S OFFICE,  
Washington, D. C., April 5, 1882.

SIR: Referring to my letter to you of February 21st last, in which I stated briefly the reasons for allowing additional compensation for extra and valuable services to two clerks in this office, John Arthur and Felix Brannigan, I would respectfully recommend that such compensation should be not less than one thousand dollars (\$1,000) to each of them.

I stated in the letter referred to that these gentlemen "have, during the past year, rendered services almost daily beyond the usual office hours," and that "these services in character are much more valuable than ordinary clerical services;" yet their regular compensation is only at the rate of sixteen hundred dollars (\$1,600) each per annum.

I alluded in my last annual report to the steady increase of the daily work in this office, and the difficult questions of law which are constantly arising in the settlement of claims involving immense demands upon the national Treasury. It is impossible, without the aid of special legal ability and of familiarity with the administration of the fiscal system of the government, to give to the multitude of such questions the thorough investigation necessary to their correct determination, and to the protection of the Treasury. I have received from Messrs. Arthur and Brannigan the benefit of these rare qualities; and as the regular salaries which they receive do not form an adequate compensation for the exercise of such qualities, even during the customary office hours, I trust that the recommendation above made will be favorably acted on by Congress.

I have the honor to be, very respectfully,

WM. LAWRENCE,  
Comptroller.

Hon. CHARLES J. FOLGER,  
Secretary of the Treasury.

TREASURY DEPARTMENT,  
OFFICE OF INTERNAL REVENUE,  
Washington, April 4, 1882.

SIR: I am in receipt of a letter from Hon. Frank Hiscock, chairman of the Committee on Appropriations, addressed to you on the 1st instant, and by you referred to this office, in regard to the deficiencies in the appropriations for the internal-revenue services for the balance of the present fiscal year, and note the inquiries made in said letter. The question is asked, "Why was a less sum estimated for 1882 than was expended in 1881, and upon what basis was the estimate for 1882 made, and what has occurred since the making of that estimate rendering an increase in the appropriation for the current year necessary?"

In reply, I will state that the estimate for the fiscal year 1882 was made and sent to the honorable Secretary of the Treasury October 16, 1880, and was based upon the business of the preceding year. This estimate was \$67,000 more than had been estimated for the preceding year.

I respectfully call attention to my letter of January 6, 1881, published on page 25 of Executive Document No. 44, Forty-sixth Congress, third session, where the reasons are fully given why a deficiency appropriation of \$131,878.08 was required for dies, paper, and stamps for the year 1881.

It must be borne in mind that the receipts from internal revenue for the fiscal year 1879 were \$113,499,621, for the fiscal year 1880, \$123,981,916, and for the fiscal year 1881, \$135,229,912, and that the expenditure for dies, paper, and stamps must keep pace with the increased collections from year to year. It must also be understood that the estimates for a fiscal year are always made at least nine months before the commencement of the fiscal year for which they are made, and that it is impossible to foresee the increase of business which makes the increase of expenditure necessary.

When the Committee on Appropriations had under consideration the deficiency bill which appropriated \$100,000 for dies, paper, and stamps for the balance of the fiscal year 1881, they also had under consideration the regular appropriation bill for the fiscal year 1882, and I particularly called the attention of the committee to the fact that the amount estimated for 1882 would not be sufficient for that fiscal year, and suggested that it would be well to increase that estimate in the appropriation by \$131,000, which had been estimated as a deficiency for the fiscal year 1881. The reply I received was that the appropriation would be made in accordance with the estimate, and if a deficiency occurred it could be attended to by the succeeding Congress.

As a justification of the increased expenditure for dies, paper, and stamps for the current fiscal year, I have only to point out the fact that the collections for the first eight months of this fiscal year are \$8,515,918 in excess of the amount collected during the corresponding eight months of the last fiscal year, and the greater part of the money thus collected was represented by stamps which it was necessary to manufacture and deliver to the collectors to enable them to collect the taxes.

I inclose herewith a comparative statement of the number of stamps received for issue during the first nine months of the fiscal years 1881 and 1882, from which it will appear that an increase of 70,371,000 stamps was required to provide for the excess of collections for the first nine months of this year over the amount collected during the same period last year.

I have the honor to be, &c.,

GREEN B. RAUM,  
*Commissioner.*

Hon. CHARLES J. FOLGER,  
*Secretary of the Treasury.*

*Comparison.*

	1879.	1880.	1881.
Number of stamps to each \$1,000 collected.....	7, 138	7, 343	7, 207
Cost of stamps per each \$1,000 collected.....	\$3 35	\$3 45	\$3 56

April 5, 1882.

Increase of stamps, 1882 over 1881, 70,000,000 for 9 months.

For work commenced in 1881 and completed in 1882—stamps..... \$27, 000  
For work commenced in 1881 and completed in 1882—paper..... 18, 000

TREASURY DEPARTMENT, April 5, 1882.

SIR: I have to acknowledge the receipt of your letter of the 1st instant, in regard to deficiencies in the appropriation for internal-revenue services for the balance of the present fiscal year.

In reply I have the honor to transmit herewith a letter from the Commissioner of Internal Revenue in answer thereto, and also a statement showing the total number of internal-revenue stamps, by classes and denominations, received by the Commissioner of Internal Revenue, from the Bureau of Engraving and Printing, from July 1, 1880, to April 1, 1881, being first nine months of the fiscal year ended June 30,

1881; and also from July 1, 1881, to April 1, 1882, being first nine months of fiscal year ending June 30, 1882.

Very respectfully,

CHAS. J. FOLGER,  
*Secretary.*

Hon. FRANK HISCOCK,  
*Chairman of the Committee on Appropriations; House of Representatives.*

---

A BILL to continue the printing of internal-revenue stamps.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Treasury is hereby authorized to continue the work of printing and preparing internal-revenue stamps for a period of thirty days from and after the passage of this act, in advance\* of appropriations to be hereafter made, and the accounts of the Bureau of Engraving and Printing for the work finished and delivered by it may be audited and settled by the proper officers of the Treasury Department; and a sufficient amount of money, not exceeding \$50,000, in the Treasury, not otherwise appropriated, is hereby appropriated for said purpose. All sums expended under this act shall be charged to and be deducted from any deficiency appropriation made for this service during the present fiscal year.

---

TREASURY DEPARTMENT,  
*May 8, 1882.*

SIR: I have the honor to inform you that the public buildings at Fall River, Mass. Hartford, Conn., Harrisburg, Pa., Nashville, Tenn., and Utica, N. Y., are ready for the chandeliers and other gas-fixtures and that there being no available appropriation for "furniture and repairs of furniture for public buildings" it will be necessary to make provision at this session of Congress for these fixtures.

The bids received under advertisement for these fixtures aggregate \$17,074.10, and I would request that an appropriation of this amount be made.

Very respectfully,

CHAS. J. FOLGER,  
*Secretary.*

Hon. FRANK HISCOCK,  
*Chairman Committee on Appropriations, House of Representatives.*

---

TREASURY DEPARTMENT,  
*March 28, 1882.*

SIR: On page 7 of the estimates of deficiencies made by this department, printed in Executive Document No. 33, of the present session, is an item of \$60,000 to enable the Secretary of the Treasury to pay what are known as claims in the charges and commissions cases.

This estimate was based upon the best data attainable at the time it was made up. Later information indicates that the claims still due, and which will have to be paid, largely exceed the amount of the estimate.

I inclose herewith copies of two letters from counsel representing claimants, and have to request that the estimate in question be changed from \$60,000 to \$150,000, as in any event no more would be paid from the Treasury than is found to be due to the respective claimants:

Very respectfully,

CHAS. J. FOLGER,  
*Secretary.*

Hon. FRANK HISCOCK,  
*Chairman Committee on Appropriations, House of Representatives.*

---

\* Or in anticipation.

NEW YORK, *March 21, 1882.*

DEAR SIR: We have heard indirectly that upon the recommendation of General N. M. Curtis you have asked Congress to appropriate \$60,000 for the payment of the remaining charges and commissions cases. We do not know, of course, about any other cases than our own, nor the exact amount of those. But from the best information we have, we believe the two cases in which we are the attorneys for the plaintiffs involve more than \$60,000, possibly \$70,000. We therefore respectfully submit that in asking of Congress an appropriation for this particular class of cases you bear in mind that we represent the above cases.

Yours, respectfully,

MARSH, WILSON &amp; WALLIS.

HON. CHARLES J. FOLGER,  
*Secretary of the Treasury.*

NEW YORK, *March 23, 1882.*

DEAR SIR: My attention has been directed to the amount of an appropriation (\$60,000) to pay charges and commissions cases, which I understand has been asked for of the Appropriation Committee by you, upon the recommendation of General N. M. Curtis. Of course, in the absence of any other information on the subject, you could not well do otherwise than rely, in some measure at least, on his estimate. It is proper, however, that I should state, as the attorney for the plaintiff, in quite a number, a large majority in number of the remaining cases of that description, that it is my belief that it will require nearer \$160,000 than \$60,000 to pay what remains of these cases.

It was my misfortune to differ from General Curtis, and to incur his bitter and relentless hostility, and refusal to adjust my cases, because I declined to submit to the conditions he exacted and obtained from a certain other attorney, viz: First. The discontinuance of all cases in which he believed no duty on charges and commissions could be recovered. As those cases involved also the claim for excess of fees I did not feel inclined to submit to his terms, and the result has been the blocking and, I believe, the gross misrepresentation of my cases.

I mention this that you may understand his motive in estimating the amount remaining to be paid. I hope, therefore, you will increase your application to at least \$150,000, for I understand there are two or three large cases in the hands of other attorneys, which alone will amount to \$50,000 or \$60,000.

Very respectfully, your obedient servant,

ALMON W. GRISWOLD,  
*Attorney for Plaintiffs.*

HON. CHARLES J. FOLGER,  
*Secretary of Treasury.*

TREASURY DEPARTMENT,  
*Washington, D. C., April 7, 1882.*

MY DEAR SIR: I have the honor to hand you a letter to me from one William H. Johnson, asking that I recommend legislation in his behalf. It seems that he has made advances to certain persons in New York City who acted officially in the service of the United States as supervisors of election. These advances were made to pay to them the amount of their salaries or wages for their services as such officials. Johnson took the drafts of these persons on the Treasury, or, in some way, some paper that was in legal effect an authorization for him to receive their money in their stead. But as this paper was taken before their claim for the money had passed the auditing officers of the Treasury Department, he ran foul of section 3477 Revised Statutes, and payment to him has been declined, though, as I understand, the claim of the persons to whom he made the advances has been audited and allowed—declined for the want of an assignment or authority subsequent to the allowance of the claim. As the men who acted as supervisors are much scattered, it is difficult for him to now get assignments or powers of attorney. Hence his request for legislation that he be paid the amount of the drafts or assignments that he now holds on giving them up as vouchers. A section or paragraph to be inserted, if deemed proper, in the appropriation bill is here submitted.

The matters on which satisfaction should be had are these: That he did *bona fide* advance to the several persons the sums that he claims; that he has the genuine drafts or assignments, or orders to pay, of those persons; that they represent respect-

ively no more than the persons whose names purport to be fixed to them were entitled to respectively.

Very respectfully, &c.,

HON. FRANK HISCOCK, M. C.,  
*Chairman, &c.*

CHAS. J. FOLGER,  
*Secretary, &c.*

TREASURY DEPARTMENT,  
*March 8, 1882.*

SIR: I have the honor to inclose herewith, for the favorable consideration of your committee, copy of letter of the Treasurer of the United States, of March 7, 1882, transmitting letter of F. E. Spinner, late Treasurer of the United States, requesting relief from liability on account of the theft of \$47,097.65, of the funds of the government, June 2, 1875, and the deficit of \$650.61 therein, February 18, 1875, both occurring during his incumbency of said office, and for which he is still held accountable under his bond on the books of the department.

In order to extend the relief asked, I would respectfully recommend that the following clause be inserted in the deficiency bill now pending:

"That the Secretary of the Treasury be, and he is hereby, authorized and directed to credit Francis E. Spinner, late Treasurer of the United States, with the sum of forty-seven thousand and ninety-seven dollars and sixty-five cents, amount of the deficiency of June second, eighteen hundred and seventy-five, carried to his debit on the books of the Register of the Treasury, per Auditor's report numbered two hundred thousand nine hundred and twenty-five; and he is further authorized and directed to pay to the Treasurer of the United States, out of any moneys in the Treasury not otherwise appropriated, the sum of six hundred and fifty dollars and sixty-one cents, to reimburse said Treasurer for an amount appearing on his books as a deficiency and known as the deficiency of February eighteenth, eighteen hundred and seventy-five."

A copy of the letter of Mr. Spinner referred to is transmitted herewith.

Very respectfully,

CHAS. J. FOLGER,  
*Secretary.*

HON. FRANK HISCOCK,  
*Chairman Committee on Appropriations, House of Representatives.*

TREASURY OF THE UNITED STATES,  
*Washington, March 7, 1882.*

SIR: At the request of Hon. F. E. Spinner, of Jacksonville, Fla., formerly Treasurer of the United States, I have the honor to forward herewith his letter addressed to you, under date of the 27th ultimo, in which he narrates the circumstances attending the loss, while he was Treasurer, of certain sums of public money, and asks favorable action on your part in recommending that Congress extend him relief by inserting a clause in some appropriation bill authorizing a credit of \$47,748.26 upon the books of the Treasury Department.

The records and information in possession of this office show that the statements contained in the letter in question are correct.

Of the many precedents established by Congress in extending relief in similar cases to fiscal officers of the government, the following recent instances are referred to:

Act March 3, 1871 (16 Statutes, 516), to reimburse F. E. Spinner for amount of deficit paid by him; clause in the deficiency appropriation act.

Act March 5, 1874 (18 Statutes, 532), relief of Thomas Hillhouse, Assistant Treasurer United States, New York.

Act June 9, 1880 (21 Statutes, 553), relief of George Eyster, Assistant Treasurer United States at Philadelphia.

Act March 2, 1881 (21 Statutes, 638), relief of Charles Clinton, late Assistant Treasurer United States, New Orleans.

Act February 11, 1882 (Private Laws, No. 3), relief of T. P. Chandler, late Assistant Treasurer United States at Boston, Mass.

Very respectfully, your obedient servant,

JAMES GILFILLAN,  
*Treasurer United States.*

HON. CHARLES J. FOLGER,  
*Secretary of the Treasury.*

TREASURY OF THE UNITED STATES,  
*Washington, April 1, 1882.*

SIR: (On the 14th ultimo I had an interview with you at the Arlington in regard to an application of Hon. F. E. Spinner, of Jacksonville, Fla., for relief by the insertion of a clause in some appropriation bill authorizing a credit of \$47,748.26 upon the books of the Treasury Department, being amount of losses sustained by him in 1874 as Treasurer of the United States.

At that interview you verbally requested me to call your attention to his application, which had, at that time, been referred to your committee by the Secretary of the Treasury with favorable recommendation. This note is written in compliance with your request.

Very respectfully,

JAMES GILFILLAN,  
*Treasurer United States.*

Hon. FRANK HISCOCK,  
*Chairman Committee on Appropriations, House of Representatives.*

---

JACKSONVILLE, FLA., *February 27, 1882.*

SIR: I have the honor to submit the following statements in regard to deficiencies occurring in the office of the Treasurer of the United States during the last year of my incumbency of that office.

THE THEFT OF JUNE 2, 1875.

On the above-named day, at about half-past two o'clock p. m., while the packages of new money remitted to banks and others in return for mutilated notes redeemed were being checked off for delivery to the Adams Express Company, it was discovered that there was missing a package of \$47,097.65, intended for the National Park Bank, of New York City. Immediate and thorough search for the package being made without success, notice was at once given to the Acting Secretary of the Treasury, who placed the matter in the hands of the Secret Service Division of the Treasury Department for investigation, which was immediately commenced and prosecuted, it is believed, with commendable activity.

The package in question, it appeared, had been put up among the earliest of those intended for remittance on that day, and, after having been sealed and addressed, was placed with other packages prepared for delivery, and was not missed until delivery was being made to the express company as above stated, in the room immediately below the cash-room of the office. This package consisted mainly of \$500 legal-tender notes, viz: 94 notes of \$500 each, and notes and currency of smaller denominations to make up the amount of \$47,097.65. The \$500 notes, although clean, and apparently such as had not been used, were, in fact, notes that had been out and returned to the office, but had not been destroyed for the reason that they were in good condition, and were used because at that time there was a scarcity of new notes of the large denominations; they did not therefore run in regular sequence of numbers, as would have been the case had the package been made up of notes from original packages.

It was not believed that any person not employed in the room where this money was put up could have obtained access to the place where these packages were kept during the day, and, therefore, that the theft must have been committed by an employé in the room, and probably by one of several whose duties were in immediate connection with these packages, and possibly by one who knew the fact that the notes in this package were not in regular order of numbers, and, therefore, could not be so readily traced; but no clew as to the guilty party was obtained until early in August, when notice was received from the superintendent of police of the city of Washington that a resident of this city had been reported as being in possession of, and as having passed, under suspicious circumstances, a number of \$500 notes at Saratoga, N. Y. The clew thus found was followed up, and resulted in the arrest, within a few days thereafter, of one Brown, and of W. H. Ottman, of whom it was alleged Brown had received the notes, and of B. B. Halleck, a clerk in the office, employed at the time of the theft upon the work of preparing the packages for remittance. Under the direction of the Secretary and of the Solicitor of the Treasury, proceedings were at once instituted by criminal process for the trial of the parties suspected, and by civil process for the recovery of such of the money, or its proceeds, as could be found in the possession of any of these parties.

In the case of Halleck, an indictment was found at the ensuing term of the criminal court, and he was found guilty of larceny, and sentenced to be imprisoned at labor

for four years. Subsequently a new trial was granted by the court in general term, but in the mean time Halleck was discharged on his own recognizance, he testifying in the criminal suit against Ottman.

Ottman was indicted for the larceny of the \$47,097.65, and also for receiving the same money knowing it to have been stolen. These indictments were subsequently consolidated and twice tried together, the jury upon each trial failing to agree. The last trial was in 1877, since which time no step has been taken in the cases.

At the time the criminal proceedings were instituted a civil suit was brought against Ottman in the supreme court of the District of Columbia, for the recovery of the amount of the stolen money, and an attachment issued, returned executed upon property comprising—

A horse and mare, appraised at \$1,000, subsequently sold under order of court and the proceeds paid into the registry of the court, where it now remains.

The stock and fixtures of a bar-room, appraised at \$797.85, which were subsequently released to the defendant upon his entering into a bond with sufficient sureties to make good the value of the property in the event of a judgment against him.

Certain real estate in the city of Washington, standing in the name of the defendant, but which proved to be encumbered to the amount of its value.

A motion to quash the attachment prevailed in the court of first instance, but this decision was reversed by the general term, to which the case was appealed by the United States. The reversal was entered on 21st May, 1877, since which time no step has been taken in the case, except the payment into the court of the proceeds of the sale of the horses, and the release of the other personalty under bond, as stated above.

In connection with the criminal proceedings the police authorities of the District of Columbia obtained possession of the sum of \$19,525, of which \$14,500 was obtained from the German Banking Company of Alexandria, Va., where it had been left as a special deposit by Ottman; \$1,025 was found upon the person of the defendant, and \$2,950 and \$1,050, respectively, recovered from A. M. Proctor and Theo. W. Brown, two persons alleged to have received this money of Ottman for the purpose of having the notes, which were of large denominations, changed, and their identity lost. This \$19,525 is now in the hands of the Treasurer of the United States as a special deposit, subject to the order of the Commissioners of the District of Columbia, the title to it being involved in the pending criminal prosecutions.

In addition to the foregoing, there was attached \$10,000 on deposit in the German Banking Company, in Alexandria, in the name of Ottman, and also certain shares in said banking company and in the Alexandria Marine Railway Company, amounting in approximate value to \$2,000. No conclusion has been had to these proceedings, which await the result of the criminal proceedings against Ottman.

It will be seen that by the prompt action taken by the government the guilty parties were apprehended, and nearly enough money and property secured and levied upon to make good the robbery.

That the money in question, or the greater part of it, is a portion of the identical money stolen from the cash-room by Halleck, and by him turned over to his accomplice, Ottman, there can be no doubt, and it is not doubted that with a proper hearing and with an honest jury the ultimate result will be the restoration to the Treasury of money clearly its property and the punishment of the receiver of the stolen money.

## DEFICIENCY OF FEBRUARY 18, 1875.

There is carried on the books of the Treasurer of the United States an amount of \$650.61 stated as the deficiency of February 18, 1875, and occurring as follows:

On that date, in the redemption division of the office, it was found that there was a "short," of \$1,000 in the canceled money ready to be delivered for destruction. Diligent search failed to recover the amount missing, and it was believed that the money lost was notes of a large denomination, possibly one note only, which may have been lost or mislaid. Being canceled, it was of no value to a finder, as it could not be used or passed. The report of the committee of examination at the time of my retirement from the Treasurer's office, on the 1st July, 1875, said committee consisting of Dr. John B. Blake, S. E. Middleton, R. H. T. Leopold, and others, contains the following: "The stolen package of \$1,000 consisted of notes that had been canceled, preparatory to sending them to another division for final count and destruction by maceration."

This original deficit of \$1,000 was reduced by an amount of \$349.39 found "over" in the count made by the committee, so that the actual deficit was \$650.61 as stated.

At the time of this count and examination the committee stated the liabilities of the Treasurer's office at Washington to be \$262,152,429.01, and in their report the committee says.

"With the exception of the deficiencies and excesses noted, and which, outside of the sealed package stolen from the cash room on June 2, 1875, and the package of can-



celled notes stolen from the Redemption Division on February 18, 1875, are insignificant, we have found the money on hand in the Treasury proper to correspond with the amounts called for by the books."

It is respectfully submitted that the losses herein referred to occurred through no fault of mine, or want of diligence or care on my part, and that I should not be held responsible pecuniarily or otherwise for a breach of trust by one of the many hundreds of employés of the office who were handling money, and all of whom were of good repute and believed to be trustworthy. The losses during my incumbency of fourteen years of the Treasurer's office were in amount the veriest trifle compared with the immense amounts handled and for which I was nominally responsible.

The theft occurred after my resignation, but before my successor had assumed the charge of the office.

I remained in Washington for over eight weeks after my surrender of the office, at great expense, in order to assist in the detection of the thief, and in the recovery of the stolen money. In this I was successful, for I did in fact discover the money in the German Bank of Alexandria, and made the arrangement for its delivery to me, before either Washington City or Treasury detectives had the least clew to it.

This money was delivered to me by the officers of the bank, but, as it was a part of the identical money that was stolen from and belonged to the Treasury, I handed it over to my successor. From this time on, the whole management of the affair was taken out of my hands and assumed by the Treasury Department. The disposition of the moneys recovered, the further search for the rest of the stolen money, and the prosecution of the thief, and of his then known accomplices, passed from me, and was under the exclusive direction of the Secretary of the Treasury, and of the prosecuting officers of the District of Columbia.

Although advised by counsel, and informed by the then Secretary of the Treasury, that inasmuch as I had used the greatest diligence and care, and that therefore it was through no fault of mine that the money was lost, and that consequently I was in no way pecuniarily liable; yet, as I now am eighty years old, with little hope of living much longer, and as the amount of money stolen is larger in amount than the aggregated amount of all my worldly possessions, I desire to have the matter finally arranged during my lifetime, so as not to leave the legacy of a lawsuit to my heirs, and in the meantime be, as I have been, in common with my children and my bondsmen, for nearly seven years, in a constant state of anxiety on account of the unsettled condition of this matter.

An application for my relief from the technical liability has been deferred because the matter has all along been in the courts, both civil and criminal, and it was desirable that final decisions should be had therein, so that the actual loss could be ascertained and somehow provided for. But now, in my advanced years, to relieve myself, my children, and my bondsmen from further anxiety, I pray that Congress may be asked to insert a clause in an appropriation bill, allowing me to be credited on the books of the Treasury for the amount of the theft, and the smaller amount of cancelled notes that were lost, and that all moneys that have been recovered therefrom, or that may hereafter be recovered, and the overplus that was found due me on my retirement, be covered into the Treasury, for the use of the United States, so that the books of the Treasurer may be cleared of these two items, the aggregate of which now stands as a deficit on said books, although a part of the stolen money is now in the Treasury as a special deposit.

I have the honor to be, most respectfully, yours,

F. E. SPINNER.

Hon. CHARLES J. FOLGER,  
*Secretary of the Treasury, Washington, D. C.*

DEPARTMENT OF JUSTICE,  
*Washington, May 6, 1882.*

SIR: Inclosed you will please find copy of a letter of the 19th ultimo from Carlos F. MacDonald, medical superintendent of the State asylum for insane criminals, at Auburn, N. Y., together with an account for the support of insane prisoners, chargeable to the United States Government, to the end of the fiscal year, June 30, 1882, being for a period beyond their respective terms of imprisonment, and for which there is no appropriation available. The rate charged is in pursuance of the authority vested in the Attorney-General by section 2 of the act approved June 23, 1874. I would respectfully request that an appropriation of \$3,423.92 be made to pay the account.

Very respectfully,

S. F. PHILLIPS,  
*Acting Attorney-General.*

Hon. FRANK HISCOCK,  
*Chairman Committee on Appropriations, House of Representatives.*

STATE ASYLUM FOR INSANE CRIMINALS,  
*Auburn, N. Y., April 19, 1882.*

SIR: In response to your favor of 17th April, I hand you, inclosed, a statement showing the names of insane United States convicts in this asylum, chargeable to the United States for maintenance, together with amount due for each to the end of the government fiscal year, viz, June 30, 1882, except in the case of James Minor, charged to date of death and including burial expenses.

As these patients are all suffering from chronic, incurable insanity, I would respectfully suggest that provision be made for their support to the end of the fiscal year 1883. Should you require information more in detail respecting these patients, it will be promptly furnished.

Respectfully, yours,

CARLOS F. MACDONALD,  
*Superintendent.*

Hon. BENJAMIN H. BREWSTER,  
*Attorney-General U. S. A., Department of Justice, Washington, D. C.*

H. Rep. 1274—2

STATE OF NEW YORK.  
STATE ASYLUM FOR INSANE CRIMINALS, AT AUBURN, N. Y.,  
*Medical Superintendent's Office, April 19, 1882.*

To the Hon. BENJAMIN H. BREWSTER,  
*Attorney-General of the United States of America :*

SIR : The following table contains a correct list of the patients in this asylum chargeable to the United States Government for care and support, as authorized by United States Laws of general nature, No. 99, approved June 23, 1874, and by agreement in pursuance thereof between Hon. E. Pierrepont, United States Attorney-General, and James W. Wilkie, M. D., medical superintendent, February 21, 1876.

Name.	Date and term of sentence.	By whom sentenced.	Date of expiration of sentence by commutation.	Date of expiration in this asylum.	From where received.	Time due for, and rate of support.	Amount.
William H. Rhode	November 11, 1871, 7 years.	Judge Benedict, U. S. district court.	August 11, 1876 ..	Nov. 10, 1875	Kings County Peni- tentiary.	345 $\frac{1}{2}$ weeks to July 1, 1882, at \$4.50 .....	\$1, 553 78
Thomas Wright ..	May 15, 1876, 9 years.	Judge Wallace, N. district court.	April 14, 1882 .....	July 5, 1877	Albany Penitentiary	52 weeks to July 1, 1882, at \$4.50 .....	234 00
Charles Grandison.	June 29, 1875, 5 years.	Judge unknown, su- preme court, D. C.	June 29, 1879 .....	July 8, 1878	.....do .....	178 $\frac{1}{2}$ weeks to July 1, 1882, at \$4.50 .....	844 07
James Minor .....	July 6, 1877, 1 year 6 months.	.....do .....	Died Nov. 6, 1878..	Oct. 2, 1878	.....do .....	6 $\frac{1}{2}$ weeks to November 6, 1878, \$27.64 ..	} 34 14
.....Do .....	.....do .....	.....do .....	.....do .....	.....do .....	.....do .....	Burial expenses .....	
Frank Sivver <i>alias</i> George Slevin.	April 8, 1878, 3 years	.....do .....	August 8, 1880 .....	Apr. 7, 1879	Albany Penitentiary	168 $\frac{1}{2}$ weeks to July 1, 1882, at \$4.50 .....	757 <sup>00</sup> / <sub>100</sub>
Total .....	.....do .....	.....do .....	.....do .....	.....do .....	.....do .....	.....do .....	3, 423 92

CAYUGA COUNTY, ss :

Carlos F. MacDonald, medical superintendent of State Asylum for Insane Criminals, in said county, being duly sworn, deposes and says, that the items of the above account are correct and that the disbursements and services charged therein have in fact been made or rendered, and that no part thereof has been paid or satisfied.

*Medical Superintendent.*

C. W. PILGRIM, *Clerk.*

Subscribed and sworn before me this 19th day of April, 1882.

NAVY DEPARTMENT, *May 26, 1879.*

DEAR SIR: Having learned that a suit against you for an alleged libel is to be tried in the city of Baltimore next week, I deem it necessary to address you this communication in order to place you in possession of the views entertained by the department on the subject, and to express the interest it feels in the result, on account of the character of the communication out of which the suit has grown.

A few days ago I was solicited by the attorneys for the plaintiff to produce in court the original of this communication, or, in the event of my declining, to furnish them with a certified copy. I declined to permit the original to be removed from the Navy Department, inasmuch as that is the place provided by law for its safe keeping, and the Secretary is made the custodian of all the records, which he can keep nowhere else; but I did not then consider myself at liberty to refuse a certified copy, which I suppose the plaintiff will offer as secondary evidence upon the trial. If I had, however, at that time, fully considered the effect of this, and had been aware of the judicial decision upon the precise question, I would have declined to furnish the copy unless compelled to do so by order of a court of the United States.

The interest of the department in the result of this trial, arises out of the fact that the communication which is charged to be libellous was made by you in express obedience to Chapter XXII. Article 9, of the Regulations for the Government of the Navy, which directs that all officers who are required to forward communications to "higher authority" than themselves, shall "state their opinions in writing, by indorsement or otherwise, in relation to every subject presented for decision." An omission therefore on your part to forward this communication along with the other papers would have been an act of official negligence, for which you would have been liable to censure.

Inasmuch, consequently, as your communication had reference to public business, and was imposed upon you by your official duty, it ought undoubtedly to be considered as confidential, and therefore privileged. It was not published in any legal sense, but locked up among the records of the department. Its only design was to put the department in possession of necessary information to be used in the transaction of public business, and it is evident, therefore, that if you are found guilty of a libel in this case it must hereafter deter others in their discharge of like official trusts from such a full performance of their duties as the public interests require of them. I can scarcely suppose that the court will permit this copy of the communication to be used in evidence against you, on account of the privileged character of the original. Yet a sense of duty to the public service, as well as to yourself as an officer of the Navy, prompts me to suggest these views of the department for your guidance, inasmuch as the pending action is against yourself, individually, and not in such form as to entitle the department to be heard at the trial.

Very respectfully,

R. W. THOMPSON,  
*Secretary.*Rear Admiral JOHN L. WORDEN, U. S. N.,  
*Washington, D. C.*UNITED STATES ATTORNEY'S OFFICE,  
*Baltimore, May 5, 1882.*

MY DEAR SIR: In reply to your request for an expression of opinion as to the case of *Maurice v. Worden*, I have to say that by direction of the Attorney-General I assisted in the defense of the case after its removal to the circuit court of the United States.

The proof was clear that the alleged libel was simply an indorsement on the resignation of Maurice, made in compliance with the rules of the Navy.

The court of appeals, of Maryland, had decided before the removal of the case to the Federal court, that the communication was only *quasi* privileged, and that the defendant was liable if it was false and proceeded from malice. The United States court felt itself bound by this decision and adopted it.

The Navy Department having inadvertently furnished the plaintiff with a copy of his resignation, and the indorsement thereon by defendant, which constituted the alleged libel, they were put in evidence. The court held that there was no evidence of malice or want of probable cause, and instructed the jury to find for defendant, which was done and judgment entered thereon.

The evidence clearly justified Admiral Worden in what he did.

He has been, I think, a much injured man. He acted all through as an officer and a gentleman, and deserves credit and not loss for what he did.

Very truly,

A. STIRLING, JR.,  
*United States Attorney,*

JOHN H. THOMAS, Esq.

In the Circuit Court of the United States for the District of Maryland, November term, 1880.

BERNARD MAURICE }  
*vs.*  
 JOHN L. WORDEN. }

This was a suit claiming \$20,000 damages for an alleged libel contained in an official report made by the defendant as Superintendent of the Naval Academy at Annapolis, to the Secretary of the Navy, containing a statement of the reasons for the resignation by the plaintiff, of his position as teacher of French in said academy.

The pleas were not guilty and limitations. Plaintiff joined issue on the plea of not guilty, and replied to that of limitations that he had been kept in ignorance of his cause of action by the fraud of the defendant. Issue was joined on that replication.

At the trial the court instructed the jury that there was no evidence on which the plaintiff was entitled to recover, and that their verdict must be for the defendant. Jury sworn 6th Decr., 1880. On the 13th day of December 1880, verdict was rendered accordingly, and judgment thereon was entered for the defendant on the 8th day of January, 1881.

Defendant's costs..... \$120 60  
 (In pencil:) Cost of certificate..... 75

(In pencil) ..... \$121 35

I hereby certify that the foregoing is a true statement or memorandum of the issues tried in the above-entitled case, and of the verdict and judgment therein, as appears from the papers and docket entries.

In testimony whereof, I hereto set my hand and affix the seal of the said circuit court, this 5th day of May, A. D. 1882.

[SEAL.]

JAS. W. CHEW,  
 Clerk of said Circuit Court.

Washington, D. C., March 11, 1882.

SIR: I have the honor to represent to your honorable committee, that on the 2d day of September, 1875, I entered into a contract with Edward Clark, architect of the Capitol, for improving the Capitol grounds—*i. e.*, for laying footwalk wherever required in the completion of said grounds. At the time the contract was made it was expected and believed that sufficient funds would be appropriated to complete the work in, not to exceed, two or three years thereafter. Owing, however, to the failure of Congress to appropriate sufficient funds within the time named, or annually, since, the work is still unfinished. I could have, within two years after the making of the contract, completed the entire work, had sufficient funds been provided by Congress to pay me for the work. There is, in my said contract, a provision by which 15 per cent. of the amount due me for the work performed shall be retained; and, owing to the failure of Congress to appropriate funds necessary to complete the work within a reasonable time, this provision is working me serious injury. Prior to 1878, Congress appropriated and there has been paid me the amount retained from me up to that year; but nothing has since been paid me on account of such retention. For the years 1878 and 1879 there has been retained, as aforesaid, as will appear from the statement herewith inclosed, the sum of \$4,530.57; and I respectfully request that provision be made in the deficiency bill, now being considered and prepared by your honorable committee, to pay me the amount retained as per said statement.

For the truth of what is herein set forth, and also as to the character of the work performed by me, I respectfully refer you to Mr. Clark, architect, &c.

Very respectfully, &c.,

GEORGE W. COOK.

HON. FRANK HISCOCK,  
 Chairman Appropriation Committee, House of Representatives.

ARCHITECT'S OFFICE, UNITED STATES CAPITOL,  
 Washington, D. C., May 9, 1882.

SIR: I have the honor to return herewith the letter of Mr. Geo. W. Cook, relative to the amount reserved from his vouchers for laying artificial stone pavement at the Capitol grounds, which you referred to me.

Inasmuch as the statements it contains are correct, I have no hesitation in recom-

mending that an appropriation be made "for the payment of all sums reserved from the vouchers of Geo. W. Cook, which may be unpaid prior to January 1, 1880, for artificial stone pavement laid by him on the Capitol grounds, under contract of September, 1875 (\$4,530.57), four thousand five hundred and thirty dollars and fifty-seven cents, or so much thereof as may be necessary."

When these amounts shall have been paid the sums retained on vouchers paid since January 1, 1880, will be ample to secure the United States against loss, in case Mr. Cook should fail to make the necessary repairs to this pavement during the term specified in his contract.

Very respectfully, &c.,

EDWARD CLARK,  
*Architect United States Capitol.*

Hon. FRANK HISCOCK,  
*Chairman Committee on Appropriations, House of Representatives.*

TREASURY DEPARTMENT,  
*Washington, D. C., May 6, 1882.*

SIR: I have the honor to transmit to you a special and a general letter from the First Comptroller of this Department, showing the need of legislation in a particular case, or of legislation that will provide for all like cases; and of saying that, in my judgment, the bill prepared by the First Comptroller and hereto transmitted would be provident and advisable legislation.

Very respectfully, &c.,

CHAS. J. FOLGER,  
*Secretary, &c.*

The Hon. FRANK HISCOCK,  
*Chairman, &c.*

TREASURY DEPARTMENT,  
FIRST COMPTROLLER'S OFFICE,  
*Washington, D. C., May 5, 1882.*

SIR: The books of this office show a balance of \$644.38 due to William H. Greenleaf on his regular public land account as late receiver of public moneys at Benson, Minn., and on his account as receiver of public moneys for the sale of Sioux Indian lands there is due from him the sum of \$408.58. As the amount \$644.38 due to him (as an overdeposit) has been covered into the Treasury and stands to the credit of moneys unappropriated, there can be no action taken by this office so as to transfer enough of the \$644.38 due to him to close the amount \$408.58 due from him on his Sioux Indian accounts, and at the same time pay to him the residue, \$235.80, which would close his accounts on the books of the Treasury.

The Hon. H. B. Straight, of Minnesota, has asked that this statement might be made to you to the end that you might make a report to the appropriation committee of the House of Representatives of the status of the accounts of Mr. Greenleaf as given herein, with a view of having the said committee recommend the necessity of making the appropriation to pay and close the accounts of Mr. Greenleaf on the books of the Treasury.

In the annual report from this office for the fiscal year ending June 30, 1880, page 10, your attention is called to the subject of unpaid balances, and the recommendation made by my predecessor in his annual report for the previous year on this subject was renewed.

If the committee recommend the appropriation, it should be for the whole amount—\$644.38—providing that \$408.58 of the amount shall be covered to the credit of Mr. Greenleaf on his Sioux Indian account to close the same, and that the residue, \$235.80, be paid to him by Treasury draft.

Very respectfully,

WM. LAWRENCE,  
*Comptroller.*

Hon. CHARLES J. FOLGER,  
*Secretary of the Treasury.*

TREASURY DEPARTMENT, FIRST COMPTROLLER'S OFFICE,  
Washington, D. C., May 6, 1882.

SIR: I have the honor to direct your attention to the following statement and suggestion which were made to your predecessor in my annual report for the year ending June 30, 1880:

"In the adjustment of the accounts of receivers of public moneys and other officers whose duty it is to collect the revenues of the government, such officers are charged with the amount of their collections and credited with the amount of money deposited by them in the Treasury. In many cases officers have deposited by mistake more money than they have collected, thus creating a balance in their favor.

"The seventh clause of the ninth section of article 1 of the Constitution prohibits the payment of any money from the Treasury except in consequence of appropriations made by law. The above accounts come under no appropriation now existing, for the money deposited and covered into the Treasury constitutes an unappropriated fund, and the accounts of such officers under appropriations for the payment of their compensation and the expenses of their offices are kept entirely distinct from their accounts for the collection of revenues. In the absence of a provision for the payment of balances upon the latter class of accounts, they have accumulated from year to year until quite a number now stand upon the books of the department. It would be a great convenience if means for their payment should be provided."

If Congress will authorize the settlement of the accounts in question, it will not involve the actual payment of money from the Treasury except in rare cases. For instance, a receiver has two accounts open; on one of them a balance is due to him, on the other a balance of like amount is due from him. In order that both accounts may be closed by a transfer from one to the other, it is necessary, under the Treasury system, that an appropriation shall be available for the "payment" of the balance due to the officer. But this payment will be generally one of form merely, and not a payment in fact, as the amount will be carried to the account on which the balance is due from the officer.

A draft of the bill to effect the desired object is herewith submitted. If approved by you, I respectfully request that it be referred to the chairman of the Committee on Appropriations in the House of Representatives, with the recommendation that it be laid before the House.

Very respectfully,

WILLIAM LAWRENCE,  
Comptroller.

NOTE.—The draft in question is section 3 of the bill to which this is the report.

Hon. CHARLES J. FOLGER,  
Secretary of the Treasury.

WAR DEPARTMENT, QUARTERMASTER-GENERAL'S OFFICE,  
Washington, D. C., March, 1882.

SIR: Referring to the request as contained in the inclosed communication from the clerk of your committee, dated March 17, 1882, I have the honor to submit the following statement pertaining to the appropriation for Army transportation 1880-1881:

The appropriation for that fiscal year (1880-1881) was .....	\$4,000,000 00
Remitted to disbursing officers to June 30, 1881 .....	3,986,471 57
	13,528 43
Claims paid through the Treasury .....	725 55
	12,802 88
Credit deposits to June 30, 1881 .....	3,870 36
	16,673 24
Balance of appropriation on hand June 30, 1881 .....	84,177 67
	*100,850 91
Available since June 30, 1881 .....	
Accounts payable from appropriation and received at the Quartermaster-General's Office since June 30, 1881 .....	456,939 85
Paid since that date .....	*100,850 91
	356,088 94
Deficiency .....	
This amount is the known deficiency at this date.	

From information received from officers of the Military Division of Missouri, there is a doubt if all outstanding indebtedness or unpaid vouchers are yet reported here.

In order to provide for payment of all such accounts the Quartermaster-General stated the deficiency in round numbers at \$400,000, and that amount will doubtless be required.

Inclosed I transmit a statement which seems to account for the unusual and necessary expenditures during the fiscal year 1880-'81 in general terms.

The transportation of supplies of all kinds to the new posts from lines of railway by wagons to the posts proved very expensive.

The following is a list of land-grant railroads and the accounts of their earnings in the fiscal year 1880-'81 so far as filed in this office. Many of these accounts are not yet audited, and it is probable that many have not yet reached this office for examination:

Atchison, Topeka and Santa F6 .....	\$131,251 49
Chicago and Northwestern .....	6,810 72
Chicago, Burlington and Quincy .....	1,163 95
Chicago, Milwaukee and Saint Paul .....	3,493 77
Chicago, Rock Island and Pacific .....	3,635 26
Chicago, Saint Paul, Minneapolis and Omaha .....	1,548 04
Cincinnati, Saint Louis and Chicago .....	09
Hannibal and Saint Joseph .....	101 29
Illinois Central .....	5,982 13
Kansas City, Lawrence and Southern .....	20 82
Mobile and Ohio .....	633 87
Morgan's Louisiana and Texas .....	3 58
Missouri Pacific .....	1,485 97
Northern Pacific .....	11,237 18
Saint Louis and San Francisco .....	4 77
Texas Pacific .....	933 38
Wisconsin Central .....	6 08
Burlington and Missouri .....	930 23
Saint Paul, Minneapolis and Omaha .....	1,957 75
Saint Paul and Sioux City .....	322 21
Louisville and Nashville and connections .....	1,567 52
<b>Total .....</b>	<b>173,150 10</b>

Appropriations were made by acts of Congress for payment of like accounts for other years, March 3, 1879, February 24 and March 3, 1881, but none for the fiscal year 1880-'81, the period for which this deficiency estimate of \$125,000 is made.

Explanation in full as to payments for this service generally will be found on pages 104, 105, 106, and 107, Annual Report of the Quartermaster-General, 1881, to the honorable the Secretary of War, and also in General Orders No. 69, Adjutant-General's Office, 1880 (copy inclosed).

Very respectfully, your obedient servant,

RUFUS INGALLS,  
Quartermaster-General, Brevet Major-General, U. S. Army.

The Hon. the CHAIRMAN  
OF THE COMMITTEE ON APPROPRIATIONS,  
House of Representatives.

*Causes of increase in transportation service during the fiscal year ending June 30, 1881.*

(1.) The permanent establishment and maintenance of camp on White River, Colorado, 144 miles by wagon-road from Rawlins, Union Pacific Railroad; which point is 969 miles by rail from Fort Leavenworth, the headquarters of the department, and chief base of supply.

The camp was garrisoned during the year with nine companies of cavalry and infantry. One item of expense was the transportation in the fall and winter of 1880 of lumber and material for building quarters and sheltering the troops during the winter, costing very nearly \$100,000.

Camp on Snake River, 64 miles from Rawlins, garrisoned with two companies of infantry, also occasioned considerable additional expense for transportation during the year.

(2.) The establishment of new post on Uncompahgre River (175 miles by wagon-road from Alamosa, Denver and Rio Grande Railway, and 945 miles by rail and wagon from Fort Leavenworth), to which post fifteen companies of cavalry and infantry were



sent and where they have been maintained at extraordinary expense on account of transportation; both wagon and rail transportation in that region costing more than double the average cost in other sections of the country.

(3.) The reoccupation of old Fort Cummings, N. Mex., for use as a field post, has entailed additional transportation expenses.

(4.) The opening of the transcontinental railroad route through New Mexico (via Deming) and Arizona has diverted traffic to Arizona points from the former route around via Lathrop and Sacramento. Hence shipments to military posts in Arizona were, as a rule, sent through Kansas, Colorado, and New Mexico, swelling the accounts of the railroads located in Department of the Missouri to unprecedented amounts.

(5.) The Nineteenth and Twentieth Regiments of infantry interchanged station, during the year. The Nineteenth was sent from the posts it occupied in Department of the Missouri (Leavenworth, Hays, Dodge, and Gibson), and relieved the Twentieth Infantry of the posts it occupied in Department of Texas, on the Rio Grande, and the Twentieth was moved to Department of the Missouri to the posts which had been occupied by the Nineteenth. This movement of nearly a thousand men, with the necessary freight to accompany them, cost about \$50,000, a large portion of which is charged in accounts pertaining to the Department of the Missouri.

The transportation expenses above referred to may all be considered extraordinary and additional to what were usually incurred in former years.

To the above items may be added the cost of transportation of material for construction at the following-named stations:

New post at Fort Lewis, Colo.

Temporary post at Gunnison River, Colorado.

Completion of Fort Missoula, Mont.

New post at Fort Maginnis, Mont.

New post at Fort Assinaboine, Mont.

---

WAR DEPARTMENT,  
QUARTERMASTER-GENERAL'S OFFICE,  
*Washington, D. C., March 23, 1882.*

SIR: Referring to my report upon the deficiency estimate for \$400,000, on account of transportation of the Army, dated March 21, 1882, I have the honor to embody herewith copy of a dispatch received this day from the chief quartermaster Department of Missouri, Fort Leavenworth, Kansas, consideration of which, in connection with that report, is requested; to-wit:

"FORT LEAVENWORTH, KANSAS, *March 21, 1882.*

"QUARTERMASTER-GENERAL, *Washington, D. C.:*

"Depot quartermaster here reports railway accounts to amount of \$20,000, pertaining to last fiscal year, received this month, made up and sent out for signature. Also that accounts to the amount of \$10,000 more will probably come in. All received prior to this have been forwarded. One contractor for wagon transportation verbally reports \$335 due him on bill of lading not yet presented.

"BINGHAM,  
"Chief Quartermaster."

From which it will appear that accounts to the amount of \$30,335 remain yet to be settled under the appropriation for deficiency asked for for this department, in addition to those reported.

Very respectfully, your obedient servant,

RUFUS INGALLS,  
*Quartermaster-General, Brevet Major General, United States Army.*

HON. CHAIRMAN OF THE COMMITTEE ON APPROPRIATIONS,  
*House of Representatives.*

---

DEPARTMENT OF THE INTERIOR,  
*Washington, February 23, 1882.*

SIR: I have the honor to invite your attention to the inclosed communication from the Commissioner of Indian Affairs, presenting an amendment authorizing the department to afford relief to the Kaskaskia, Peoria, Wea, and Piankeshaw Indians, located at the Quapaw Agency, Indian Territory. The amendment in question calls for no appropriation, but only authorizes the application of a portion of their funds for the relief of a present and pressing necessity, their crops having failed through drought.

A copy of the petition of the Indians is herewith inclosed, showing the necessities of the case.

A similar communication has been this day addressed to the chairman of the Committee on Appropriations of the Senate.

Very respectfully,

S. J. KIRKWOOD,  
Secretary.

Hon. FRANK HISCOCK,  
Chairman Committee on Appropriations, House of Representatives.

SIR: The petition of subscribers, members of the Kaskaskia, Wea, Piankeshaw, and Peoria tribe of Indians of the Quapaw Agency, Indian Territory, respectfully showeth:

That they are in a destitute condition, owing to the total failure, the past year, of all kinds of crops, and that unless they have relief soon many will suffer great hardships personally and lose the greater part of their live stock; that they have a large surplus of funds in the United States Treasury, which, if paid to them, will afford relief from destitution and want, and prevent many from becoming a public charge; that they do not ask the general government to assist them directly, but through Congress by an appropriation of moneys from their own funds.

They most earnestly pray that the honorable Commissioner cause a bill to be prepared and presented to Congress, at as early a day as possible, for the appropriation of \$15,000 of their surplus fund to relieve the pressing wants of the people.

That at no time since their removal to the Indian Territory have they been in a more impoverished condition, and that if their prayers are answered they will be able to live comfortably and feed their stock, which otherwise must be sold or perish.

And your petitioners will ever pray, &c.

his  
JAMES + CHARLEY, Sr.  
mark.  
And 56 other signatures.

Hon. H. PRICE,  
Commissioner of Indian Affairs, Washington, D. C.

DEPARTMENT OF JUSTICE,  
Washington, March 3, 1882.

SIR: The attention of the Committee on Appropriations of the House of Representatives is respectfully directed to the necessity of providing for the payment of the deficiencies existing in former appropriations for the expenses of the courts of the United States, and to the necessary legislation for the adjustment of other claims, herein enumerated, if their payment meets with the approval of Congress.

Herewith is inclosed a copy of a letter from the First Comptroller of the Treasury, dated January 16, 1882, to the Secretary of the Treasury, in which he states that there will be needed to supply deficiencies in appropriations for expenses of United States courts, as follows, viz:

For the year ending June 30, 1880:	
Fees of district attorneys.....	\$25,000
Fees of clerks.....	25,000
	50,000
For the year ending June 30, 1881:	
Fees of clerks.....	\$25,000
Fees United States commissioners.....	16,000
	41,000
For the year ending June 30, 1882:	
Fees and expenses of marshals.....	\$50,000
Fees of district attorneys.....	25,000
Fees of clerks.....	55,000
Fees United States commissioners.....	55,000
	185,000

I would also estimate a deficiency for the year ending June 30, 1881, in expenses of Territorial courts in Utah, \$6,000; principally arising from the expenses of the penitentiary for April, May, and June, 1881.

For the year ending June 30, 1882:

Fees of jurors.....	\$20,000
Fees of witnesses.....	25,000
	45,000

The unusual demand made upon the fees of jurors and witnesses by the expenses of the Guiteau trial and the "Star Route" cases, necessarily protracted, requires larger sums than those which ordinarily suffice for the service of a year.

Your attention is directed to the fact that Congress has made no provision for the payment of special deputies at the Congressional elections of 1879, 1880, and 1881. The services were rendered by these officers under the legislation which created them, and having discharged their duties, they naturally expect that Congress will provide for their payment. Permit me to refer you to the annual report of this department for the year 1881, pages 15, 16, as bearing upon this matter, and expressive of the views of my predecessor, and to the copies inclosed of letters from the department, dated April 30, 1879, March 8, 1879, June 6, 1879, December 15, 1880, to the Appropriation Committees of the Senate and House of Representatives.

According to the information now before me, it is believed that for this purpose there will be needed for the year 1879, for an election in the State of California, a sum not exceeding \$7,600; for the elections in October and November, 1880, \$100,000; and for the elections in 1881 in New York City a probable amount of \$5,000.

I transmit herewith a copy of a letter from United States Senator Benjamin Harrison, dated February 20, 1882, respecting the legislation necessary to pay the judgment and costs, amounting to \$802.16, in the case of L. P. Milligan v. A. F. Hovey *et als.*, in the United States circuit court for Indiana in July, 1871, if the payment meets with your approval, the same being recommended to your favorable consideration.

Very respectfully,

BENJAMIN HARRIS BREWSTER,  
*Attorney-General.*

Hon. FRANK HISCOCK,  
*Chairman Committee on Appropriations, House of Representatives.*

[Telegram.]

NEW YORK, March 3.

SAMUEL MULLIKEN,  
*Department of Justice, Washington, D. C. :*

I estimate for special deputy marshals of election in 1880, \$45,000; for election in 1881, \$5,000—total, \$50,000.

HENRY E. KNOX,  
*United States Marshal.*

UNITED STATES SENATE CHAMBER,  
*Washington, February 20, 1882.*

SIR: During the war (in 1864, I think) some arrests were made in Indiana of civilians who were charged with disloyal acts. Among these was one L. P. Milligan. He, with others, was tried before a military commission in Indianapolis, found guilty and sentenced to be executed. The sentence was commuted to imprisonment, and upon a decision of the Supreme Court Milligan was finally discharged, the Court holding that the military court had no jurisdiction. Milligan then sued the officers composing the court for false imprisonment, &c. I was employed by the President (General Grant) to defend. The trial was a long one, and resulted in a verdict of \$5 for the plaintiff. This verdict carried costs against the officers, the aggregate of which was \$802.16, as per statement accompanying. Execution has been in the hands of an elisor ever since, and remains unexecuted. As these officers acted under military orders, as members of the court, I think they should not be subjected to the costs now in judgment against them. I would therefore respectfully request you to recommend to Congress an appropriation to pay the judgment and costs.

Very respectfully, yours,

BENJ. HARRISON.

Hon. B. H. BREWSTER,  
*Attorney-General, United States.*

SHERIFF'S OFFICE, MARION COUNTY, INDIANA,  
Indianapolis, February 19, 1881.

Statement of judgment, interest, and costs due on execution in the case of *Lambdin P. Milligan vs. Alvin P. Hovey*, et al:

No. 1472, United States circuit court, district of Indiana.

Judgment July 15, 1871.....	\$5 00	
Interest to July 15, 1881.....	3 00	
		\$8 00
Costs taxed on execution in the hands of elisor .....	773 50	
Accrued costs due elisor.....	20 66	
		794 16
Total judgment, interest, and costs.....		802 16

HENRY C. ADAMS,  
*Elisor.*

TREASURY DEPARTMENT, FIRST COMPTROLLER'S OFFICE,  
Washington, January 16, 1882.

SIR: I have the honor to transmit herewith, for your information, a copy of a letter written by me to the Secretary of the Treasury on the 14th instant, submitting estimates for appropriations to supply deficiencies for expenses of United States courts.

Very respectfully,

WM. LAWRENCE,  
*Comptroller.*

HON. BENJAMIN HARRIS BREWSTER,  
*Attorney-General.*

TREASURY DEPARTMENT, FIRST COMPTROLLER'S OFFICE,  
Washington, D. C., January 14, 1882.

SIR: I have the honor to request the return of my letter of yesterday, and, in lieu thereof, to submit the following estimates of sums needed to supply deficiencies of appropriations for expenses of United States courts, viz:

Year ended June 30, 1880:		
Fees of district attorneys.....		\$25,000 00
Fees of clerks.....		25,000 00
Year ended June 30, 1881:		
Fees of clerks.....		25,000 00
Fees of commissioners.....		16,000 00
Year ended June 30, 1882:		
Fees and expenses of marshals.....		50,000 00
Fees of district attorneys.....		25,000 00
Fees of clerks.....		55,000 00
Fees of commissioners.....		55,000 00

In explanation of the above I have to say that there are now in this office, awaiting payment, accounts for the following amounts: Fees of district attorneys, 1880, \$19,703.38; fees of clerks, 1880, \$19,776.19; fees of clerks, 1881, \$20,159.35, and fees of commissioners, 1881, \$12,615.29. It is presumed that the difference between these amounts and the above estimates may be required to pay accounts for the years named, which are coming in almost daily.

Appropriations made for fees of marshals, clerks, attorneys and commissioners for 1882, are less by the following sums than the appropriations for 1881: Marshals \$50,000; clerks, \$30,000; attorneys, \$45,000; commissioners, \$40,000. The sum provided for marshals for 1881, was no more than sufficient. For fees of clerks and commissioners there were large deficiencies.

To supply deficiencies of appropriation for expenses of Territorial courts in Utah, the following sums are required:

Year ended June 30, 1880.....	\$2,877 76
Year ended June 30, 1881.....	4,732 22

Very respectfully,

WM. LAWRENCE,  
*Comptroller.*

HON. CHARLES J. FOLGER,  
*Secretary of the Treasury,*

DEPARTMENT OF JUSTICE,  
Washington, December 15, 1880.

SIR: From statements received from the United States marshal, it is ascertained that there will be needed the sum of \$100,000 to pay special deputy marshals at the last elections in October and November last, when Representatives in Congress were chosen. These special deputies were appointed under section 2021 Revised Statutes of United States. I therefore respectfully request that Congress, make for this purpose an appropriation of \$100,000.

Very respectfully,

CHAS. DEVENS,  
Attorney-General.

Hon. J. D. C. ATKINS,  
Chairman Committee on Appropriations, House of Representatives.

DEPARTMENT OF JUSTICE,  
Washington, January 23, 1880.

SIR: In reply to your communication of the 21st instant, I now inclose a copy of all the correspondence in relation to the appointment and payment of supervisors and special deputy marshals at the recent elections in the States of California and New York. I desire to remark, in connection with the letter of October 14 last to the chief supervisor at San Francisco, that I was not aware when it was written that the law of California allowed five days for registration, and that six days were spent in canvassing the vote, which I now understand to be the fact, so that the days in which the supervisors might be required to perform duty, including registration and election, might have been more than was specified in that letter. It may, therefore, hereafter be found that these officers are in justice entitled to payment for the full number of days authorized by the Revised Statutes.

Very respectfully, your obedient servant,

CHAS. DEVENS,  
Attorney-General.

Hon. J. D. C. ATKINS,  
Chairman Appropriation Committee, House of Representatives.

[Telegram.]

SAN FRANCISCO, December 10, 1879.

CHAS. DEVENS,  
Attorney-General, Washington, D. C.:

Yes; in first and second Congressional districts. Amount due about \$7,600.

A. W. POOLE,  
United States Marshal.

DEPARTMENT OF JUSTICE,  
Washington, June 6, 1879.

SIR: In answer to your telegram, I would reply that no amount has heretofore been specifically appropriated to be applied to the payment of United States deputy marshals for services attending at registrations and elections. It has been included under the general appropriations for expenses of United States courts, &c.

The language of the present appropriation by act approved June 20, 1878, is as follows: "Expenses of United States courts: For defraying the expenses of the Supreme Court and circuit and district courts of the United States, including the District of Columbia, and also for jurors and witnesses, and expenses of suits in which the United States are concerned; of prosecutions for offenses committed against the United States; for the safe keeping of prisoners, and for defraying the expenses which may be incurred in the enforcement of the act approved February 23, 1871, entitled 'An act to amend an act approved May 30, 1870, entitled "An act to enforce the rights of citizens of the United States to vote in the several States of the Union and for other purposes," or any acts amendatory thereof or supplementary thereto; \$2,750,000."

The act of February 20, 1871, and acts amendatory thereof and supplementary thereto are embodied in title 26, Revised Statutes, and the United States deputy marshals have been paid during the present fiscal year for their services in attending to registrations and elections under the above stated general appropriation, which includes the enforcement of the act of February 23, 1871, &c., among the objects to which this general appropriation is to be devoted.

It will be observed, by referring to former appropriations for this department, that this language is substantially that adopted in previous appropriations for recent years.

Very respectfully, your obedient servant,

CHAS. DEVENS,  
Attorney-General.

Hon. J. D. C. ATKINS,  
Chairman Committee on Appropriations, House of Representatives.

DEPARTMENT OF JUSTICE,  
Washington, April 30, 1879.

SIR: I submit herewith a detailed statement of the number of deputy United States marshals employed in each city, town, or place, appointed under the provisions of the Federal statutes, by the marshals of the United States, to attend at elections in the several States during the past year, as called for by resolution of your special committee communicated to me in a letter dated March 4, 1879.

It will be seen that the whole number of deputies appointed who served were 5,494. Of this number 5,001 were appointed under the provisions of the law relating exclusively to elections, and 493 were appointed in certain districts by virtue of the powers conferred upon marshals by section 780 Revised Statutes, to appoint deputies with general powers to preserve order and keep the peace.

Those appointed under the general authority of the marshals were not entitled to, and, so far as I am informed, have not received the five dollars per day provided under the election laws for special deputies.

I ought also to add that some of the special deputies appointed under the election laws have not received the per diem provided, it appearing that the places for which they were appointed did not contain a sufficient number of inhabitants to justify such payment. These instances have been noted on the table.

This tabulated exhibit has been made up from returns received from the marshals, which are also herewith furnished, and which contain the names of all deputy marshals employed as above stated.

The marshals of the several judicial districts were instructed to furnish these returns, this department not containing at the time the information called for by your committee, as I explained in my letter of the 8th ultimo.

Accompanying the table and returns is a copy of my letter of instructions sent to every marshal.

Very respectfully,

CHAS. DEVENS,  
Attorney-General.

Hon. WILLIAM A. WALLACE,  
Chairman, &c., United States Senate.

Table showing number of deputy United States marshals appointed on the occasion of the Congressional elections, November 5, 1878, and the places where employed.

[Appointed under the election laws, unless otherwise designated.]

District.	City or town.	No. of deputies in cities and towns.	Total number of deputies in district.
Alabama:			
Northern district.....			None.
Middle district.....			
(Appointed under the general authority of the United States marshal.)	Robinson's X-Roads.....	2	
	Kendall's Store.....	2	
	McGehee's Switch.....	3	
	Old Elam.....	5	
	Dooley's.....	3	
	Tucker's Store.....	3	
			18
Southern district.....	Montgomery.....	83	
(Appointed under general authority of marshal.)			
(Appointed under section 2021).....	Mobile.....	9	
			92

GENERAL DEFICIENCY BILL.

Table showing number of deputy United States marshals, &c.—Continued.

District.	City or town.	No. of deputies in cities and towns.	Total number of deputies in dis- trict.
<b>Arkansas:</b>			
Eastern district .....	Arkansas County .....	21	
	Pennington .....	1	
	Moro .....	1	
	Clay .....	1	
	Ouchita .....	1	
	River .....	1	
	Eagle .....	1	
Appointed under general authority of marshal.)	Palestine .....	1	
	Marion .....	1	
	Washington .....	1	
	Caddo .....	2	
	Amity .....	1	
	Alpine .....	1	
	Greenville .....	1	
	Terre Noix .....	1	
	Antoine .....	1	
	South Fork .....	1	
	Elkins .....	1	
	Missouri .....	1	
	Beech Creek .....	1	
	Anderson .....	1	
	Manchester .....	1	
	Welbome .....	1	
	Howard .....	1	
	Union .....	1	
	Lick Mountain .....	1	
	Griffin .....	1	
	Gregory .....	1	
	Point Remove .....	1	
	Petit Jean .....	1	
	Higgins .....	1	
	Bentley .....	1	
	Powell .....	1	
	Bay Bridge .....	1	
	Mamella .....	1	
	Lester .....	1	
	Black Oak .....	1	
	Poplar Ridge .....	1	
	Jonesborough .....	1	
	Texas .....	1	
	Big Creek .....	1	
	Greenfield .....	1	
	Smith .....	1	
	Ninien .....	1	
	White Oak .....	1	
	Bammon .....	1	
	Miller .....	1	
	Jasper .....	1	
	Lee .....	1	
	Retand .....	1	
	Prairie .....	1	
	Ozan, No. 1 .....	2	
	Ozan, No. 2 .....	2	
	Bois d'Arc .....	3	
	Springhill .....	2	
	Garlandville .....	1	
	Garland, White Oak .....	1	
	Red Land .....	1	
	Saline (Hempstead County) .....	1	
	De Roan .....	1	
	Wallaceburg .....	1	
	Mine Creek .....	2	
	Fenter .....	1	
	Ouchita .....	1	
	Prairie .....	1	
	Derache .....	1	
	Valley .....	1	
	Big Creek .....	1	
	Clear Creek .....	1	
	Saline (Hot Springs County) .....	1	
	Magaet Cove .....	2	
	(Not given) .....	1	
	Birch .....	1	
	Breckenridge .....	1	

Table showing number of deputy United States marshals, &c.—Con inued.

District.	City or town.	No. of deputies in cities and towns.	Total number of deputies in district.
Arkansas—Continued.			
Eastern district.....	Union .....	1	
	Village .....	1	
	Jefferson.....	1	
	Vongine .....	2	
	Bargne .....	1	
	Bolivar .....	1	
	Bogg.....	1	
	Plumb Bayou.....	1	
	Dunnington.....	1	
	Dudley Lake.....	1	
	Richland.....	1	
	Melton .....	1	
	Whiteville.....	1	
	Taladega .....	1	
	Spring .....	1	
	Washington.....	1	
	Victoria .....	1	
	Pastoria .....	1	
	Parker.....	1	
	Alabama .....	1	
	Missouri (Nevada County).....	1	
	Boughton.....	1	
	Emett.....	1	
	Union .....	1	
	Fourche La Lapou.....	2	
	Perry .....	1	
	Union .....	1	
	Petit Jean.....	1	
	Casey.....	1	
	New Tennessee.....	1	
	Alpine.....	1	
	McCool.....	1	
	Manelli.....	1	
	Thompson.....	1	
	Missouri (Pike County).....	1	
	Wolf Creek.....	1	
	Clark.....	1	
	White.....	1	
	Muddy Fork.....	1	
	Bremer.....	1	
	Little Rock.....	1	
	Ashley.....	1	
	Bodgett.....	1	
	Bayo Meto.....	1	
	Campbell.....	1	
	Eagle.....	1	
	Fourche.....	1	
	Gray.....	1	
	Owen.....	1	
	Young.....	1	
	Ellis.....	1	
	Eastman.....	1	
	Mineral.....	1	
	Preatte.....	1	
	Union (Pulaski County).....	1	
	Big Rock.....	1	
	Roanoke.....	1	
	Spring River.....	1	
	Jane's Creek.....	1	
	Union (Randolph County).....	1	
	Eleven Points.....	1	
	Davidson.....	1	
	Columbia.....	1	
	Little Black.....	1	
	Currant River.....	1	
	Willey.....	1	
	Dunn.....	1	
Western Distict.....			175
California.....			None.
Connecticut.....			None.
Colorado.....			None.
Delaware.....			None.



Table showing number of deputy United States marshals, &amp;c.—Continued.

District.	City or town.	No. of deputies in cities and towns.	Total number of deputies in dis- trict.
Florida:			
Northern district (appointed under the general authority of the marshal, and not paid by the United States).	Duval County .....	60	189
	Alachua County .....	10	
	Marion County .....	13	
	Columbia County .....	9	
	Hamilton County .....	11	
	Madison County .....	44	
	Leon County .....	19	
	Wakulla County .....	1	
	Jackson County .....	13	
	Escambia County .....	9	
Southern district .....			None.
Georgia:			
Northern district (appointed under the general authority of the marshal, and not paid by the United States).	Rome .....	2	
Southern district .....	Savannah .....	24	2
Illinois:			
Northern district .....	Chicago .....	215	215
Southern district .....			None.
Indiana .....			None.
Iowa .....			None.
Kansas .....			None.
Kentucky .....			None.
Louisiana .....	New Orleans .....	241	241
Maine .....			None.
Maryland .....	Baltimore .....	698	698
Massachusetts .....	Boston .....	211	224
	Lowell .....	13	
Michigan:			
Eastern district .....	Detroit .....	10	10
Western district .....			None.
Minnesota .....			None.
Mississippi:			
Northern district .....			None.
Southern district .....			None.
Missouri:			
Eastern district .....			None.
Western district .....			None.
Nebraska .....			None.
Nevada (appointed under general authority of marshal).	Virginia City .....	9	20
	Carson .....	4	
	Reno .....	1	
	Winnemucca .....	1	
	Elko .....	1	
	Anstin .....	1	
	Pioche .....	1	
	Eureka .....	1	
	Genoa .....	1	
New Hampshire .....			None.
New Jersey .....	Jersey City .....	126	192
	Camden .....	47	
	Hoboken .....	19	
New York:			
Northern district .....	Albany .....	71	376
	Auburn .....	14	
	Buffalo .....	109	
	Elmira .....	14	
	Oswego .....	16	
	Rochester .....	54	
	Syracuse .....	30	
	Utica .....	24	
	Troy .....	26	
	Watervliet .....	18	

Table showing number of deputy United States marshals, &c.—Continued.

District.	City or town.	No. of deputies in cities and towns.	Total number of deputies in district.
New York—Continued.			
Southern district .....	New York City .....	1,260	1,273
	Poughkeepsie .....	13	
Eastern district .....	Brooklyn .....	545	561
	Long Island City .....	16	
North Carolina:			
Eastern district .....			None.
Western district .....			None.
Oregon .....			None.
Ohio:			
Northern district .....			None.
Southern district .....	Cincinnati .....	*74	71
(Of these, eight refused compensation.) .....		13	
Pennsylvania:			
Eastern district .....	Philadelphia .....	773	773
Western district .....	Scranton .....	19	19
Rhode Island .....			None.
South Carolina .....	Charleston .....	46	46
Tennessee:			
Eastern district .....			None.
Middle district .....			None.
Western district .....			None.
Texas:			
Eastern district .....	Galveston .....	63	73
(No per diems were charged by or paid to deputies at these places.)	Houston .....	7	
	Halthorn .....	1	
	Willis .....	1	
	Montgomery .....	1	
Western district .....	Marshal .....	2	6
(In this district only general deputies were employed; none were appointed under the election laws.)	Elysian Fields .....	3	
	Calvert .....	1	
Vermont .....			None.
Virginia:			
Eastern district .....	Richmond .....	23	95
	Petersburg .....	55	
	Norfolk .....	17	
Western district .....			None.
West Virginia .....			None.
Wisconsin:			
Eastern district .....			None.
Western district .....			None.
TERRITORY:			
Arizona .....			None.
Dakota .....			None.
Idaho .....			Not heard from.
Montana .....			Not heard from.
New Mexico .....			
No per diems were charged by or paid to deputies at these places.	Santa Fé .....	5	10
	Belen .....	1	
	Los Lunas .....	2	
	Sabinal .....	1	
	Peralta .....	1	
Utah .....			None.
Washington .....			None.
Wyoming .....			None.

\*Appointed.

†Excused.

SUMMARY.

Total number of special deputy United States marshals .....	5,001
Total number of deputy United States marshals, appointed under general authority of the United States marshals .....	493

Grand total .....

DEPARTMENT OF JUSTICE,  
Washington, March 8, 1879.

SIR: I have received a resolution of the committee of which you are chairman, requesting me to furnish to the committee a detailed statement of the number of deputy marshals appointed under the provisions of the Federal Statutes by the marshals of the United States, in connection with the elections in the several States during the past year, the names of such deputies, and the names of the States and districts in which they were employed.

I would respectfully inform the committee that the deputies in general are appointed by the marshals under the authority given to them individually by section 2021, Revised Statutes, *et seq.*, and their accounts, therefore, are rendered directly to the Treasury.

I am not able, therefore, to at once furnish the committee with the information it desires, but will immediately communicate the resolution to the marshals and endeavor to obtain that which is desired.

Very respectfully,

CHAS. DEVENS,  
*Attorney-General.*

Hon. H. M. TELLER,  
*Chairman, &c., United States Senate.*

DEPARTMENT OF JUSTICE,  
Washington, March 9, 1882.

SIR: Referring to my letter of the 3d instant respecting existing deficiencies, I now inclose copy of a letter of the First Comptroller of the Treasury, of this date, stating that there is a deficiency in the appropriation for fees of marshals for the year ending June 30, 1881, which he estimates at \$60,000. He explains also why it was not rendered earlier. You will please endeavor to secure legislation for the amount above specified and the appropriation stated.

Very respectfully,

BENJAMIN HARRIS BREWSTER,  
*Attorney-General.*

Hon. FRANK HISCOCK,  
*Chairman Committee on Appropriations, House of Representatives.*

TREASURY DEPARTMENT,  
FIRST COMPTROLLER'S OFFICE,  
Washington, D. C., March 9, 1882.

SIR: I have the honor to report that the appropriation for fees and expenses of marshals for the year ending June 30, 1881, is exhausted, and it is estimated that there will be a deficiency of \$60,000. This is brought to your notice with the view of getting the matter laid before Congress for an appropriation. The condition of the fund could not be ascertained until the accounts for the fiscal year were all, or nearly all, rendered.

Very respectfully,

J. TARBELL,  
*Acting Comptroller.*

Hon. BENJAMIN HARRIS BREWSTER,  
*Attorney-General.*

TREASURY DEPARTMENT,  
FIRST COMPTROLLER'S OFFICE,  
Washington, April 17, 1882.

SIR: I have the honor to report that for the final adjustment of accounts for fees and expenses of marshals for the year ending June 30, 1880, there will probably be required, in addition to the balance on hand, the sum of \$30,000, and I respectfully request that you will please make application for a deficiency appropriation of that sum.

The balance on hand is only \$940.57, which is far short of the sum needed to pay accounts already adjusted.

Very respectfully,

W. LAWRENCE,  
*Comptroller.*

Hon. BENJAMIN HARRIS BREWSTER,  
*Attorney-General.*

DEPARTMENT OF JUSTICE,  
Washington, April 18, 1882.

SIR: I herewith inclose copy of a letter from the First Comptroller of the Treasury, dated the 17th instant, in which he states that there will be a probable deficiency for fees and expenses of marshals for the year ended June 30, 1880, the sum of \$30,000. In compliance with his request, I respectfully make application for an appropriation to meet the deficiency named.

Very respectfully,

BREWSTER,  
Attorney-General.

Hon. FRANK HISCOCK,  
Chairman Committee on Appropriations, House of Representatives.

NAVY DEPARTMENT,  
Washington, April 26, 1882.

SIR: After taking occasion to revise the estimates of appropriations which will be required by the Navy Department for the balance of this fiscal year, and which should be included in a deficiency bill, I have the honor to submit herewith a detailed statement of the same, and to respectfully request favorable consideration thereof.

Very respectfully,

WM. E. CHANDLER,  
Secretary of the Navy.

Hon. FRANK HISCOCK,  
Chairman Committee on Appropriations, House of Representatives.

#### DEFICIENCIES.

Estimates of appropriations required by the Navy Department for fiscal year ending June 30, 1882.

		Regular, 1882.
Contingent Navy (see Memorandum No. 1) .....	\$15,630 00	\$100,000
Contingent Equipment and Recruiting (Memorandum No. 2) ..	12,000 00	5,000
Contingent Navigation (Memorandum No. 3) .....	2,000 00	1,500
Contingent Ordnance (Memorandum No. 4) .....	1,500 00	3,500
Completing measurement of velocity of light (Memorandum No 5) .....	2,000 00	
Pay Marine Corps (Memorandum No. 6) .....	104 16	
Clothing Marine Corps (Memorandum No. 7) .....	19,681 00	
Contingent Marine Corps (Memorandum No. 8) .....	2,500 00	
Transportation and Recruiting Marine Corps (Memorandum No. 9) .....	3,000 00	
Forage Marine Corps (Memorandum No. 10) .....	5,008 03	
Construction and Repair (Memorandum No. 11) ..	150,000 00	
Steam Machinery (Memorandum No. 12) .....	215,442 91	
	<hr/>	
	428,866 10	

#### No. 1.

#### CONTINGENT NAVY.

NAVY DEPARTMENT,  
Washington, February 13, 1882.

SIR: In summing up the expenditures under Contingent Navy, for the current fiscal year, I find that extraordinary liabilities have arisen, largely due to unexpected expenses abroad, which render a farther appropriation absolutely necessary to meet the demands of the remainder of this fiscal year.

The appropriation for the year was \$100,000, and there has been expended up to this time \$72,734.39, leaving a balance on hand at date of \$27,265.61, which will not meet the wants of this appropriation for the rest of the year. By a more perfect system of settling the accounts of disbursing officers than has before been in operation,

the expenditures made abroad are charged up currently. These liabilities have been unusually large, and have been paid promptly without regard to the estimated expenses. The floating observatory at Japan is an instance, costing about \$500 per month. Nearly every vessel afloat has contingent expenses, which are now taken from the appropriation by a monthly cash settlement, which has not heretofore been done. Then again, the "expenses of courts-martial and courts of inquiry with witness fees, stationery, traveling expenses, and all other costs have been much heavier than in previous years. It must be apparent from this statement that the business of the department will be delayed and crippled if limited to \$27,265, for the absolute contingent expenses for the balance of this fiscal year.

I have the honor, therefore, to ask for an additional appropriation of \$15,000 to be immediately available.

Very respectfully, your obedient servant,

WILLIAM H. HUNT,  
*Secretary of the Navy.*

Hon. FRANK HISCOCK,  
*Chairman Committee on Appropriations, House of Representatives.*

#### CONTINGENT NAVY.

For legal expenses incurred by Rear-Admiral John L. Worden in defending the suit of Maurice against him, for alleged damages caused by the official acts of said Admiral Worden in the discharge of his duty while superintendent of the Naval Academy in 1872, being on account of the service of the fiscal year 1882, \$630.

---

#### No. 2.

#### CONTINGENT EQUIPMENT AND RECRUITING.

This appropriation is completely exhausted, and \$12,000 is necessary to defray accruing expenses during the remainder of the current fiscal year.

The item of transportation alone amounts to more than the whole appropriation for the present fiscal year.

---

#### No. 3.

#### MEMORANDUM CONTINGENT NAVIGATION.

Deficiency under "Contingent Navigation 1882," on February 8, 1882, inclusive of expenditures by vessels abroad as far as reported. (Reported to Secretary February 8, 1882).....	\$584 16
Expenditures reported from vessels abroad since February 8, 1882 .....	57 52
Bills approved under "Navigation 1882" for freight, &c., properly chargeable to "Contingent Navigation 1882," since February 8, 1882.....	160 53
Total deficiency April 20, 1882 .....	802 21

The freight of 35 boxes of astronomical instruments from Madras and Singapore to New York is to be paid, besides the necessary current expenditures for the service to June 30, 1882.

---

#### No. 4.

#### CONTINGENT ORDNANCE.

On January 11, 1882, the Bureau of Ordnance requested that \$1,500 be appropriated under above head to meet demands for freight, &c.

Contingent Ordnance is now entirely exhausted, and no freight can be legally paid.

## No. 5.

## COMPLETING MEASUREMENT OF VELOCITY OF LIGHT.

NAUTICAL ALMANAC OFFICE,  
BUREAU OF NAVIGATION, NAVY DEPARTMENT,  
Washington, D. C., January 24, 1882.

SIR: I have the honor to ask the attention of the department to the need of a small appropriation for completing the measurement of the velocity of light, which has been in progress during the last two summers. These measurements were undertaken in pursuance of a recommendation of the National Academy of Sciences, for the purpose of obtaining a more accurate value of the solar parallax than could be derived in other ways, as is more fully explained in a letter addressed by me to the department, a copy of which is inclosed.

In this letter the cost of the experiments is estimated at \$7,000, but only \$5,000 was required at that time, and only that amount has been appropriated. Indeed the results as now obtained would be satisfactory but for certain discordances between them when obtained under different conditions. These results are in kilometers, per second. From Fort Meyer—

	Kilometers.
To Observatory, in 1880.....	299,680
To Observatory, in 1881.....	299,720
To Washington Monument, 1881.....	299,750

Alterations in the apparatus, as well as farther experiments, are necessary in order to reconcile these discordances, find the true velocity, and reduce the results to a vacuum.

It is also desired to publish drawings of the apparatus.

For these purposes I respectfully request that the appropriation of the remainder of the amount originally estimated, \$2,000, be recommended to Congress, and that the item be inserted in the deficiency bill, in order that it may be available as soon as practicable.

Very respectfully, your obedient servant,

SIMON NEWCOMB,  
Superintendent Nautical Almanac.

Hon. W. H. HUNT,  
Secretary of the Navy, Navy Department.

## No. 6.

## PAY MARINE CORPS.

The sum of \$104.16 is required to reimburse Maj. Green Clay Goodloe, paymaster Marine Corps, for amount paid under proper authority to Mr. Alexander De Souza, clerk to Capt. W. A. T. Maddox; the same was disallowed by the accounting officers of the Treasury and checked against him, for the reason that there was no money available for the purpose.

## No. 7.

## CLOTHING MARINE CORPS.

To pay for the one-third additional quantity of the material and of undress caps, authorized by contract, and made necessary by the requirements of the service, viz: 2,000 yards sky-blue kersey, at \$2.48 per yard, as per contract; 500 yards dark-blue cloth, at \$3.85 per yard, as per contract; 3,000 yards dark-blue flannel, at \$1.48 per yard, as per contract; 400 undress caps, at 89 cents per cap. To pay for the making of the material into garments, being for the service of the fiscal year 1882. \$19,681 00

"The sums required for clothing are made necessary by the increased cost of material under contracts, present year, over the contract prices of last year, upon which the estimates were based, by the increased cost of manufacturing the material into garments, and by the introduction, this year, of the new clothing bag in place of the old knapsack, a change which was made after the appropriation for clothing present fiscal year had passed."

## No. 8.

## CONTINGENT MARINE CORPS.

To meet expenses at the several marine stations, and at the assistant-quartermaster's office, for freight, ferrriage, toll, cartage, funeral expenses of marines, stationery, telegraphing, apprehension of deserters, repair of gas and water fixtures, &c., being a deficiency for the fiscal year 1882..... \$2,500 00

"The increase asked for contingencies is caused by the greater demand made at the stations, and at the assistant-quartermaster's offices for the various articles that come under that head, and the slight increase in the cost of these articles. The amount asked for contingencies in the estimates submitted for the present fiscal year was reduced \$5,184.00.

## No. 9.

## TRANSPORTATION AND RECRUITING MARINE CORPS.

To meet expenses for transportation of troops, and of recruiting service, being a deficiency for the fiscal year 1882..... \$3,000 00

"An additional sum for transportation and recruiting is required in consequence of an unexpected demand having been made upon that appropriation for the transportation of troops across the isthmus of Panama, the opening of an additional rendezvous, and a general increase in the transfer of troops."

## No. 10.

## FORAGE MARINE CORPS.

To pay accounts for forage in kind for the authorized number of officers' horses, being for the service of the fiscal year 1882..... \$4,346 04  
To pay accounts for forage in kind for the authorized number of officers' horses from March 1, to June 30, 1881, being a deficiency for the fiscal year 1881..... 661 99

"The amount required for forage was and is caused by the demand made upon the Quartermaster's Department to supply forage in kind to the officers entitled to it under the act of February 24, 1881 (21 Stats., p. 347), restoring forage to officers serving east of the Mississippi River."

## No. 11.

## CONSTRUCTION AND REPAIR.

The act approved February 23, 1881, making appropriations for this bureau, made \$150,000 immediately available for completing the Brooklyn and Lancaster, and thus virtually reduced the regular appropriation for this fiscal year from \$1,500,000 to \$1,350,000.

The increase in the number of ships in commission, and in the expenditures for foreign service, have so far exhausted the funds to the credit of "construction and repair" that without an *early* appropriation by Congress it will become necessary to suspend nearly all construction work in our several navy-yards during the month of June next. Under these circumstances, I respectfully but earnestly recommend that Congress be asked to appropriate \$150,000, available for this bureau during the present fiscal year.

## No. 12.

NAVY DEPARTMENT, BUREAU OF STEAM ENGINEERING,  
Washington, April 19, 1882.

With the unexpended balance of appropriation for this bureau we can go on for balance of the fiscal year, completing the Hartford at Boston, and Iroquois at Mare

Island, and make some progress with the Juniata and Trenton at New York; but to do this our force will have to remain reduced as now at Portsmouth, League Island, Washington, and Pensacola, where we have practically suspended all operations; also no purchases of supplies can be afforded.

The following work is in hand at the navy-yards named, but suspended for want of funds, and the amounts set against each should be appropriated at once to prosecute the work during the fiscal year, viz:

Omaha, Portsmouth, engines, &c.....	\$25,000
Plymouth, Portsmouth, engines, &c.....	5,000
Juniata, New York, engines, &c.....	12,000
Trenton, New York, engines, &c.....	20,000
Ossipee, League Island, engines, &c.....	12,000
Ossipee, Washington, boilers.....	10,000
Ticonderoga, Washington, boilers.....	10,000
Steam launches, Washington, engines, &c.....	3,000
Fortune, Norfolk, engines, &c.....	5,000
Pinta, Norfolk, engines, &c.....	5,000
Albert, Mare Island, new boilers.....	15,000
Mohican, Mare Island, continue work.....	10,000
Monongahela, Mare Island, new boilers.....	15,000
Tuscarora, Mare Island, new boilers.....	15,000
For purchase of stores, supplies, &c., for above work and miscellaneous, including foreign expenditures.....	50,000
<b>Total.....</b>	<b>212,000</b>

Should this amount be appropriated the necessity would not exist for making immediately available the sum of \$300,000 of the amount estimated for fiscal year 1882-'83, as requested in bureau's letter dated April 1 ultimo.

There should also be appropriated the sum of \$442.91 to pay general average claim of O. M. Vesper & Co., on schooner Ada J. Simonton, referred to in bureau letters dated February 25 and December 4, 1879.

Also, the sum of \$3,000 additional for testing machine, as per bureau's letter of January 4, 1882.

TREASURY DEPARTMENT,  
OFFICE OF COMMISSIONER OF CUSTOMS,  
*Washington City, D. C., April 17, 1882.*

MY DEAR SIR: In compliance with your verbal request of Saturday morning I inclose a copy of my letter to the Hon. Secretary of the Treasury, and of the proposed amendments to the then existing law in relation to the compensation of inspectors of customs.

With great respect,

H. C. JOHNSON.

HON. EDWIN WILLITS,  
*House of Representatives, Washington, D. C.*

TREASURY DEPARTMENT,  
OFFICE OF COMMISSIONER OF CUSTOMS,  
*Washington City, D. C., January 25, 1878.*

SIR: I have the honor to inclose herewith the form of an enactment designed to make the law contained in sections 2733 and 2737, Revised Statutes, relating to the salary of inspectors of customs, the same as it was prior to the passage of the Revised Statutes, and of an amendment to section 3618 relating to the sale of old material.

Prior to the passage of the Revised Statutes the law allowed the Secretary of the Treasury to fix the compensation of inspectors at such sum as he saw fit, not however to exceed the maximum per diem of \$3, with the power of increasing the maximum to \$4.

Under this law inspectors were, in some cases, paid as little as fifty cents a day, with perfect satisfaction both to the government and the party employed.

In section 2733, Revised Statutes, the discretionary power of the Secretary of the Treasury in relation to the compensation of inspectors is omitted, and a fixed sum, viz, \$3, is named for every day's work by an inspector.

In order to prevent an increase of the expenses of collecting the revenue from cus-



toms, and at the same time to keep the force of inspectors intact, the designation of those receiving less than \$3 a day was changed from inspectors to deputy collectors, or the time to be employed limited thus—John Smith, deputy collector and inspector, at \$3 a day when employed, not to exceed \$600 a year. It is believed, however, that many of the employés so appointed in reality perform service the whole time, and are laying the foundation for claims hereafter to be brought before the Treasury.

It is to prevent the possibility of such claims, to allow greater economy to be practiced in the collection of the revenue, and to restore the law to its former basis, that this change in the law is proposed.

Under section 3618, as it is at present construed, if an officer of the Treasury is ordered to sell old material he must do so at his own expense, as the *gross* proceeds are required to be deposited, without any deduction on account of charges, and there is no appropriation for the payment of bills of this nature. It is to cure this palpable injustice that the amendment to section 3618 is suggested.

Very respectfully, your obedient servant,

H. C. JOHNSON,  
*Commissioner of Customs.*

Hon. JOHN SHERMAN,  
*Secretary of the Treasury.*

[Substitute for sections 2733 and 2737, R. S.]

Each inspector shall receive for every day he shall be actually employed in aid of the customs such sum as the Secretary of the Treasury may direct, not to exceed three dollars, and the Secretary of the Treasury may increase the compensation of such inspectors as he may think advisable to a sum not exceeding four dollars for each day actually employed.

Section 2733 and 2737, Revised Statutes of the United States, are hereby repealed.

[Construction of section 3618.]

Section 3618, Revised Statutes of the United States, shall be construed to allow the payment of all proper claims for the advertisement, storage, handling, and sale of old material or other public property out of the proceeds derived from such sale before they are deposited and covered into the Treasury.

[Compensation of inspectors of the customs.]

DEPARTMENT OF JUSTICE,  
OFFICE OF THE SOLICITOR OF THE TREASURY,  
*Washington, D. C., October 9, 1876.*

SIR: I have the honor to report that I have carefully considered the questions involved in the claim of James D. Green for alleged arrears due him as compensation for his services as inspector of the customs at Punta Rosa, Fla., from August 18, 1874, to February 1, 1875, submitted to me in your communication of the 5th instant, and arrived at the following conclusions. They may be arranged in answer to the following questions:

1. What sum per diem is an inspector of customs entitled to receive?
2. For what time during any given term of his holding that office is he entitled to be paid?
3. Is he stopped by his own receipt for a less sum, as full compensation for his services, from claiming the compensation established by law?

1. The act of March 2, 1799, fixed the per diem compensation of inspectors of the customs at a sum not exceeding \$2 (1 Statutes at Large, p. 701). The act of April 26, 1816, added 50 per centum to this compensation. The statutes prior to December 1, 1873, left a discretion with the Secretary of the Treasury to fix the compensation of inspectors, \$2 being the maximum until 1816, and \$3 the maximum from 1816 to 1873. When the Revised Statutes went into effect they fixed \$3 as the minimum of per diem compensation, giving the Secretary the discretion to increase it to a maximum of \$4. This was the law during the time Green was employed as an inspector, and for which he now claims arrears of compensation. It is not claimed that the Secretary had ever increased his compensation, so that \$3 was his rate of daily pay under the law.

The contract is the statute, and not any parol or written agreement he may have entered into with the Secretary of the Treasury or with the collector of the district in which he was a customs officer. If he had been overpaid his statute compensation, though with the consent of the collector and Secretary, the excess could be recovered

back. Suits are pending, directed by this office, to recover back salaries claimed to have been paid by Treasury officers without warrant of law. If settlements and contracts ratified by the accounting officers of the Treasury cannot override the requirements of the statutes when more than the legal salary is paid, they cannot equitably defeat the beneficiary provisions of statutes that increase the compensation of public officers. From and after the Revised Statutes went into effect, and while he continued an inspector of customs, the rate of compensation to which James D. Green was entitled was \$3 a day.

2. For what time shall an inspector of customs be paid at the rate of \$3 per day?

The statute says for "the time he is actually employed." This language is not new in the Revised Statutes.

It has been the limit of the service of an inspector ever since the national customs service was established. An inspector is not now, and never has been, entitled to compensation except for the time he has been actually employed. What is to be considered actual employment? Much of the service of a customs officer is vigilant and preventative. He is at hand not so much to do official acts as to prevent other persons from committing breaches of the law; to observe and report any transactions whereby the revenue might be defrauded. To say that no customs officer was actually employed, excepting for the time he was actually hauling smuggled goods, or boarding merchant vessels, or receiving cash for duties, or issuing or recording custom-house papers, would be to overlook the value and necessity of the official services of the great body of customs officers. The importations of foreign merchandise are made principally into five of the great ports, New York, Boston, Baltimore, New Orleans, and San Francisco, and only the revenue officers of those ports are constantly and actively employed in collecting duties. But it would never do to abolish all the other collection districts of the extensive coasts and frontiers, and dismiss the revenue officers employed there, because it is by their vigilance alone that the foreign trade is maintained in its legitimate channels, and made to contribute its just equivalent of revenue. To discriminate against those revenue officers who were not actually employed in collecting revenue or doing some active customs service would be like paying only those night watchmen who should catch lawless men in the act of burglary or setting incendiary fires, and refusing pay to all those whose vigilance had prevented these crimes. Certainly in either case prevention is better than cure, and ought to be as well compensated.

An inspector of customs is to be considered as *actually employed* when he is in his district in a position to perform promptly and efficiently any and all of the duties pertaining to his office. Such official employment is not incompatible with other employments of a public and private character. Thus, an inspector may be at the same time a post-master and keep an office, a tradesman and keep a store, or a mechanic and keep a shop, and if he is all the time in a position to perform promptly and efficiently the duties of an inspector, he is to be considered as actually employed as an inspector. The fact that he has a public place of business, unless the same is unfavorably situated, is an advantage both to the government and to the public having to deal with him in his official capacity. Of course there are employments, such as that of a mariner or traveling agent, which would take him from his district, or of a millman, machinist, or day laborer, when his time would not be at his own disposal, which would be of themselves inconsistent with his being employed all the time as an inspector. In the absence of proof that a person holding the office of inspector of customs was totally disabled by sickness or absence from performing his official duties, or was engaged simultaneously in some absorbing employment incompatible with the effective discharge of his official duties, I think it is legally presumable that he is employed all the time that he holds himself in readiness to do the services pertaining to his office, and does such services as become necessary.

This principle has been firmly established by the usage of the Treasury Department ever since the establishment of the government. Not only are the officers of the Treasury, whose pay is determined by the year, allowed full compensation without abatement for Sundays, holidays, and also during a vacation, not exceeding thirty days, but the same privilege is extended to those subordinate officers of the customs whose pay is determined by the day.

Ware's case, vol. 7, Court Claims, page 565, and Sleigh case, vol. 9, Court Claims, page 369, have been cited by the counsel for the claimant, but I do not think they are applicable. In those cases it was held that a clerk in the Treasury Department, whose annual salary was fixed by law, might receive his whole salary, although the facts in his case show that during the part of the year he was incapacitated and did not perform the duties of his office. But the method of compensation of inspectors, is entirely different. They are paid by the day for the time actually employed, and there must be actual employment to entitle them to their compensation. I understand that it has been the uniform practice of the Treasury Department to pay inspectors for the entire year at whatever rate *per diem* has been fixed by law.

This must be considered a construction by the Treasury Department that actual

employment in case of an inspector is holding one's self ready every day to perform whatever official duties the situation may require, and as such officer is liable to be called upon to perform such duties on Sundays, holidays, and even during sickness, no deduction has been made of those days. (2 Opinions Attorney-General, 558; 4 Opinions Attorney-General, 470; 10 Opinions Attorney-General, 52.)

The Supreme Court held, in *United States v. Gilmore* (8 Wall, 330), "that constructions of statutes in relation to the accounts of individuals with the United States made by the accounting officers of the Treasury, especially when so long-continued as to become a rule of departmental practice, are entitled to great consideration, and will in general be adopted by this court."

In Green's case the accounting officers seem to have audited and allowed his accounts, allowing him to charge every day of the year.

This seems to be a determination by the department of his term of service, a matter which was plainly within its jurisdiction. The mistake, if anywhere, was in fixing his rate of compensation, which the statute had determined, and which was not within its jurisdiction. The department has no right to change the per diem which is fixed by statute at \$3. It had a right, and it was its duty, to determine the term of service, and it has fixed that as continuing through the whole year.

3. The receipt of the claimant for a sum less than the lawful per diem, although acknowledged to be "in full for my compensation," does not preclude him from claiming any additional compensation to which he was legally entitled. A receipt is never anything but *prima facie* evidence of satisfaction, and is open to contradiction. A settlement made under a mistake of his legal rights will not bind the claimant. As I have said before, an overpayment might be recovered back, and for the same reason an unpaid balance, though afterwards discovered, may be legally and fairly claimed.

I am reminded that upon a settlement of this claim depends many other of a similar character, the allowance of which will require a considerable sum to be taken from the Treasury

The head of the Treasury Department will be likely to consider what remedies may be within his reach against what I justly think may be deemed a piece of inconsiderate and improvident legislation. One remedy that has been proposed is to cause inspectors to be employed only a certain definite number of days in the year, and have that contract of employment expressed in their appointment. But I do not see how any greater activity of service can be secured for a part of the year, arbitrarily selected, than for the whole year, if from the nature and situation of the district the service is of that negative and merely preventive character whose utility I have considered; nor do I see how with safety the necessary vigilance of customs officers can be intermitted for certain previously-determined periods, without exposing the national revenue to deprecation. If inspectors are necessary at all they are necessary all the time.

Another prudential measure is to employ detective officers to watch the inspectors, and report when they are employed and when they are idle. But, "*quis custodiet custodes,*" will it not be necessary to employ other detectives to watch the detectives, whom you pay by the day to watch the inspectors, to see that the detectives do a just day's work, and so *ad infinitum*.

Besides your detective's report is worthless. He says, perhaps he found this officer doing nothing whatever, or cobbling shoes, or playing checkers. But there was nothing for him to do, and yet his very idleness was useful and necessary to the government, for he was at his post of duty, and, though idle, his very presence and authority preserved the revenue from deprecation.

Better than either of these methods is the more effectual remedy of restoring by legislation of Congress the discretion which the law had placed in the Secretary of the Treasury ever since the beginning of the government, to fix the compensation of inspectors according to the place, duties, and in reference to the fact that the complete discharge of its duties is not inconsistent with some other employment.

Doubtless in the principal ports, where there are larger importations, and where customs officers of all grades are constantly and responsibly employed, their pay ought to be clear up to the maximum fixed by law.

But there are many collection districts and ports where the duties of an inspector are almost wholly vigilant and preventive rather than active, where the per diem might be fixed at even the primitive rate, with reference to the fact that some other kinds of business were not incompatible with the sufficient discharge of the duties of the office.

I return the papers presented with the reference.

Very respectfully,

GEORGE F. TALBOT,  
Solicitor of the Treasury.

Hon. LOT M. MORRILL,  
Secretary of the Treasury.

[Indorsement.]

TREASURY DEPARTMENT,  
October 14, 1876.

The inclosed cases are respectfully referred to the First Auditor for examination and settlement, in accordance with the opinion of the Solicitor as given thereon.

L. M. MORRILL,  
Secretary.

The allowed claims reported by the Secretary of the Treasury to Congress for an appropriation, found on pages 13-20 of H. Ex. Doc. No. 26 of this session, are for the lawful compensation of inspectors of customs under sections 2733 and 2738 of the Revised Statutes.

For the time covered by these claims the inspectors, in whose favor the amounts are severally certified, were paid *less* than the lawful salary. Such payments by the collectors of customs were not a discharge of the full salary, but were partial payments only. These reported allowances are the difference between such partial payments and the *full lawful salary*, and when paid will *just complete* the lawful salary which should have been *originally* paid.

The law on this point is plain, emphatic, and decisive, leaving no option or discretion in the Secretary of the Treasury or other officer in regard to the salary to be paid. When an inspector was appointed and qualified and entered upon his duties *the law unconditionally determined his salary*.

The inspectors were *in office at the time the law was enacted* which fixed their salary at \$3 per day, absolutely, and *there was no agreement, understanding, contract, or suggestion between the department and the inspectors that they were to receive less than the full lawful salary*.

These claims are *not old* or stale. None of them date prior to June, 1874.

The Solicitor of the Treasury gave an opinion favorable to the payment of the full legal salary, which was approved by Secretary Lot M. Morrill, and in pursuance thereof the allowances were made. Yet, in fact, no allowance has been made except after a special official report from the collector under whom the inspector served, showing his daily attendance upon duty and the kind of service rendered.

That these inspectors obtained vested rights under the statute by their services, no one can deny.

The greater number of these claims have been already paid; many have been paid by the department out of current funds, and Congress has *three times* appropriated for their payment. (Sec. 20, Stat., 421, Stat., 255 and 429.) The law has been modified so as to give the Secretary of the Treasury authority to employ inspectors at a compensation less than \$3 per day in such places as he may be able. Hence no new cases can arise.

The Supreme Court in the very recent cases of *Merritt vs. Welsh* (sugar cases) and of the *United States vs. Temple* reaffirmed and pointedly stated the doctrine that the executive departments have no right to modify or nullify existing law. Hence they could make no valid agreements repugnant to law.

It follows that the inspectors should be paid according to law, and that the necessary appropriation should be made as a matter of course.

Respectfully submitted.

*A statement of the law governing the salary of inspectors of customs.*

By the act of March 3, 1799 (1 Stat., 707), the compensation of inspectors of customs was established at a sum not exceeding \$2 for every day of actual employment. By the act of April 26, 1816 (3 Stat., 306), that compensation was increased 50 per centum, so that each inspector became entitled to a salary not exceeding \$3 for each day of actual employment. Under these provisions of law \$3 became the *maximum* limit of compensation, and so remained until the act of April 29, 1864 (13 Stat., 61), which authorized the Secretary of the Treasury to increase the *maximum* compensation to \$4 per day, which, by other enactments, continues to be the highest rate of pay authorized by law for inspectors of customs. (See R. S., sec. 2737.)

Until the enactment of the Revised Statutes (June 22, 1874) there had never been a *minimum* limitation to the salary of inspectors. Prior to that date any compensation less than \$3 per day, which the inspector might accept and the Secretary of the Treasury approve, became his lawful salary.

By section 2733 of the Revised Statutes \$3 per day became the *minimum* salary; no discretion or authority was vested in or permitted to the Secretary to pay a less compensation. The statute was couched in positive and mandatory language, as follows:

“ Each inspector shall receive for every day he shall be actually employed in aid of the customs \$3; and for every other person that the collector may find it necessary and expedient to employ, as occasional inspector, or in any other way in aid of the revenue, a like sum, while actually so employed, not exceeding \$3 for every day so employed.”

And, as if it were the special intention of Congress that there should be no evasion of section 2733, it was provided in section 2738 that “ all aids to the revenue or others performing the duties of inspectors of customs in any collection district, shall be paid the same per diem compensation as inspectors of customs.”

By the act of June 20, 1878 (20 Stat., 217), the compensation of inspectors for service at night was reduced so as not to exceed \$2.50 per night; and by the act of June 10, 1880 (21 Stat., 173), the Secretary of the Treasury was authorized to increase the compensation of such inspectors to a sum not exceeding \$3 for each night's service.

By the act of March 3, 1881 (21 Stat., 429), it is provided “ that hereafter the Secretary of the Treasury may appoint inspectors of customs at a compensation less than \$3 per day when, in his judgment, the public service will permit.”