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Charles L. Dahler.

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CHARLES L. DAHLER.

JULY 26, 1882.—Committed to the Committee of the Whole House and ordered to be printed.

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

REPORT:

[To accompany bill H. R. 1918.]

The Committee on Claims, to whom was referred the bill (H. R. 1918) for the relief of Charles L. Dahler, submit the following report:

This claim is for the amount of the following draft:

No. 328.]

VIRGINIA CITY, M. T., January 30, 1867.

Assistant Treasurer of the United States, New York, pay to A. H. Barrett, or order, the sum of one thousand and eighty-five dollars.

\$1085

THOMAS FRANCIS MEAGHER,
Secretary Montana Territory.

(Indorsed:) Pay order Hussey, Dahler & Co.

A. H. BARRETT.

The circumstances are fully detailed in the affidavit of Mr. Barrett, annexed hereto, and marked Appendix A.

It appears that this claim was considered by the Claims Committee of the Forty-fifth Congress, and a report thereon was made by Mr. Ellsworth from said committee, which is as follows:

The Committee of Claims, to whom was referred the bill (H. R. 798) for the relief of Charles L. Dahler, have had the same under consideration, and report as follows:

Thomas Francis Meagher was secretary of the Territory of Montana during the years of 1866 and 1867, and one A. H. Barrett was employed to copy the laws and journals, and to index the same, passed at the third session of the legislative assembly of said Territory, and that for said services he was to receive the sum of \$1,700 in currency; and that it was stipulated between the said Meagher and the said Barrett that the work was to be completed in sixty days from the date of said agreement; and that in order to complete the work within the time specified, the said Barrett was compelled to employ assistance; and to pay the persons so employed, he was compelled to borrow money, gold dust and coin, at that time the only recognized circulating medium in the Territory, and that for the gold dust and coin he had to pay interest at 3 per cent. per month. That in the early part of March, 1867, he had a settlement with the said Meagher, and gave the said Meagher a voucher receipted in full for the sum of \$1,700, and received in part payment of said voucher a draft drawn by said Meagher on assistant treasurer United States at New York for \$1,085, and the said draft was sent forward through Hussey, Dahler & Co., bankers, for collection, and that on presentation to the assistant treasurer at New York payment was refused, as the said Barrett was informed, for the want of funds to Meagher's credit, and that said draft is still unpaid, and that the sum of \$1,085 is all yet unpaid. That the service performed by him under contract with said secretary was service that was required to be performed by the secretary, but at the time this work had to be done the governor was absent from the Territory, and the said secretary was acting governor of the Territory, and so employed in his duties as such acting governor in suppressing Indian hostilities then existing in

the Territory as to be unable to perform said copying and indexing, and under the circumstances it was utterly impossible for the secretary to do the work performed by said Barrett.

It is also shown that the claimant is now the lawful owner of said claim, and that in the opinion of your committee the claim is a just one and should be paid.

We find the facts stated in the foregoing report made by Mr. Ellsworth to be true and correct in substance.

Your committee also append hereto the letter of Hon. Martin Maginnis, Delegate from the Territory of Montana, dated April 21, 1882, marked Appendix B, showing that the sum of \$1,700, being the amount charged for the labor done (in part payment of which the above draft was drawn), was a fair and just compensation or allowance for the work at the time and place it was performed.

Your committee therefore make a favorable report, and recommend the passage of said bill.

APPENDIX A.

TERRITORY OF MONTANA,
County of Jefferson, ss.

Personally appeared before me, Frank Wells, county clerk and recorder for the county of Jefferson, Territory of Montana, A. H. Barrett, who having been duly sworn deposes and saith that he was employed by Thomas Francis Meagher, secretary of the Territory of Montana, to copy the laws and journals (and to index the same) passed at the third session of the legislative assembly of the aforesaid Territory, and that for said service he was to receive the sum of one thousand seven hundred dollars in currency; and it was stipulated between the said Meagher and the deponent that the work was to be completed in sixty days from the date of said agreement, and that in order to complete the work within the time specified the deponent was compelled to employ assistance, and to pay the persons so employed he was compelled to borrow money, gold dust and coin at that time being the only recognized circulating medium in the Territory, and that for the gold dust and coin borrowed to pay said persons he was compelled to pay interest at the rate of three per cent. per month; and the deponent further saith that in the early part of March, 1867, he had a settlement with the said Meagher, and gave the said Meagher a voucher receipted in full for the sum of seven hundred dollars, and received in part payment of said voucher a draft drawn by said Meagher on assistant treasurer U. S. at New York for one thousand and eighty-five dollars, and that said draft was sent forward through Hussey, Dahler & Co., bankers, for collection, and that on presentation to the assistant treasurer at New York payment was refused, as this deponent was informed, for want of funds to Meagher's credit; and furthermore that said draft is still unpaid, and that the sum of one thousand and eighty-five dollars is justly due him.

The deponent would further state that at the time he was employed by Secretary Meagher to do this work, that, owing to the absence of the governor from the Territory, that the secretary of the Territory was acting governor, and was actively engaged in suppressing the Indian hostilities then existing within Montana Territory, and that it would have been utterly impossible for the secretary himself to have performed said service.

A. H. BARRETT.

Sworn to and subscribed before me this 3d day of February, A. D. 1871.

[SEAL.]

FRANK WELLS,
County Clerk.

EXHIBIT B.

HOUSE OF REPRESENTATIVES,
Washington, D. C., April 21, 1882.

SIR: In answer to your personal question as to whether the amount paid by the governor of Montana for indexing certain laws and journals for which certain drafts were issued, now pending before your committee for payment; from my knowledge of the cost of labor and of living in the Territory of Montana at the time said work was done, I would unhesitatingly state that, in my judgment, the compensation allowed was fair and just, and the work could not have been done for less in Montana Territory at that time.

I understand that the accounting officers of the Treasury made no objection to the amount.

The draft is now held by innocent purchasers, and the bill for their relief should be passed.

Respectfully,

MARTIN MAGINNIS.

Hon. OSSIAN RAY,
House of Representatives.

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