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General Deficiency Appropriations

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IN THE SENATE OF THE UNITED STATES.

SEPTEMBER 18, 1888.—Ordered to be printed.

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

REPORT:

[To accompany bill H. R. 10896.]

The Committee on Appropriations, in reporting back to the Senate the bill "making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1888, and for prior years, and for other purposes," present herewith various letters and documents bearing upon the amendments recommended by the committee.

The amount of the bill as passed the House of Representatives is..... \$3,227,518.32
The net amount of increase made to the bill by the Senate committee is.. 1,291,344.26

Making total of bill as reported..... 4,518,862.58

The items of increase made to House bill by the committee are as follows:

INCREASE.

Salaries, foreign ministers.....	\$3,508.87
Salaries, chargé d'affaires.....	2,053.29
Salaries, consular officers not citizens.....	5,464.62
Contingent expenses, United States consulates.....	519.44
Salaries, consular service.....	3,172.53
Clerks at consulates.....	400.00
Re-imbusement of B. F. Bonham for transit pay.....	271.74
Procuring evidence in French spoliation claims.....	926.89
Expenses of International Monetary Conferences.....	10,000.00
Salaries of additional judges, Dakota Territory.....	5,000.00
Salary of additional judge, New Mexico Territory.....	841.67
Expenses of enforcement of internal-revenue laws.....	2,500.00
Court-house and post-office at Louisville, Ky.....	10,000.00
Court-house and post-office at Waco, Tex.....	2,873.88
Payment of judgment against collector of customs, San Francisco.....	3,372.00
Re-imbusement of keepers of certain light-stations for personal losses.....	582.75
Employment of special counsel in Samuel Strong case.....	2,500.00
Departmental telegraph cables, payment for.....	15,138.84
Manufacture of arms at the National armories.....	5,570.24
Pay of the Army.....	1,000.00
Re-imbusement of Hartford and New York Transportation Company.....	2,606.80
Re-imbusement of South Carolina for use, etc., of Citadel Academy.....	77,250.00
Contingent expenses, Navy Department.....	283.58
Contingent, Hydrographic Office.....	23.33
Pay miscellaneous, Navy.....	1,132.62
Contingent, Navy.....	500.00
Marine Corps.....	2,457.56
Expenses of Naval War College.....	234.20
Expenses of compass-testing houses.....	32.89
Bureau of Ordnance, contingent.....	3,000.00
Bureau of Provisions and Clothing.....	155.86
Naval wharf at Key West, Fla.....	798.57

Relief of Pay-Inspector John H. Stevenson.....	\$400.00
Wharfage, United States monitor Terror.....	3,352.00
Payment for disbursing Census appropriations.....	2,000.00
Re-imbursment of Chickasaw Nation.....	184,143.09
Payment on account of Eastern Band of Cherokees.....	1,200.00
Support of Blackfeet, Bloods, and Piegans.....	935.37
Payments to certain postmasters for rent, etc.....	1,270.25
Improvement of Agricultural Department roadways.....	711.00
Expenses of sorghum experiments.....	8,000.00
Re-imbursment of James M. Ewing.....	206.72
Fees of United States district attorneys.....	12,965.61
Fees of United States commissioners.....	4,204.45
Payment of district attorneys and assistants.....	17,017.62
Expenses of Territorial courts in Utah.....	1,282.55
Industrial Christian Home Association, Utah.....	80,000.00
Additional pay to night forces, Office Public Printer.....	10,000.00
To carry out law granting fifteen days' annual leave to employes, Office Public Printer.....	18,000.00
For the service of the Senate.....	95,551.13
To pay Alexander Vangender for services to Committee on Invalid Pen- sions, House of Representatives.....	500.00
To settle accounts, Library of Congress.....	19.30
To pay judgments, Court of Claims (net increase).....	805.48
To pay claims certified in Senate Executive Document No. 255.....	651,104.22
To pay claims certified in Senate Executive Document No. 269.....	4,445.81
To pay claims certified in Senate Executive Document No. 252.....	78,869.62
Total increase.....	1,341,156.39

The items of reduction made in House bill by the committee are as follows:

REDUCTION.

Re-imbursment of William Caldwell.....	\$1,811.00
Payment of certificate of indebtedness against District of Columbia...	110.00
Payment of certain employes in Patent Office.....	1,404.95
Preparation of new edition of Postal Laws and Regulations.....	1,000.00
Expenses of prosecuting certain Apache Indians.....	1,500.00
Refund to David Key portion of fine.....	125.00
Additional compensation to Official Reporters of the House.....	5,000.00
Claim for expenses incurred in suppressing the rebellion, being included in amounts covered by Senate Executive Document No. 255.....	38,861.18
Total reduction.....	49,812.13
Net increase made to House bill.....	1,291,344.26

APPENDICES.

STATE DEPARTMENT.

TREASURY DEPARTMENT, *July 7, 1888.*

SIR: I have the honor to invite the attention of the Senate Committee on Appropriations to the inclosed copy of a letter from the First Comptroller of the 5th instant, correcting his estimate of deficiency in the appropriation for "salaries of ministers, 1886, \$8,258.26," on page 3, of House Executive Document No. 376, so that there may be appropriated instead as follows:

Salaries of ministers, 1886.....	\$5,661.04
Salaries of consular officers not citizens, 1886.....	2,597.22

Respectfully, yours,

C. S. FAIRCHILD,
Secretary.

HON. WILLIAM B. ALLISON,
Chairman Committee on Appropriations, United States Senate.

TREASURY DEPARTMENT, FIRST COMPTROLLER'S OFFICE,
Washington, D. C., July 5, 1888.

SIR: Respectfully referring to the item of \$8,258.26, under the head of "salaries of ministers," 1886, on page 3 of the supplemental deficiencies, transmitted in your letter of the 21st ultimo to the Speaker of the House of Representatives, House Executive Document No. 376, Fiftieth Congress, first session, I beg to state that having learned from the Department of State that N. D. Comanos, vice consul-general at Cairo (whose salary from July 1, 1885, to January 7, 1886, amounting to \$2,597.22, is included in the above-named sum), is not a citizen of the United States, I desire to have the estimate corrected so that the amount due to the said N. D. Comanos, for salary, may be appropriated for under the head of "salaries, consular officers not citizens," 1886, \$2,597.22; and the remainder under the head of "salaries of ministers," 1886, \$5,661.04; total, \$8,258.26.

Respectfully, yours,

M. J. DURHAM,
Comptroller.
By J. R. GARRISON,
Deputy Comptroller.

THE SECRETARY OF THE TREASURY.

RECORDS IN FRENCH SPOILIATION CASES.

[House Ex. Doc. No. 310, Fiftieth Congress, first session.]

Letter from the Secretary of the Treasury, transmitting an amended estimate, from the Secretary of State, of appropriation for expenses of obtaining and searching for records in French spoliation cases.

[MAY 16, 1888.—Referred to the Committee on Appropriations and ordered to be printed.]

TREASURY DEPARTMENT,
May 12, 1888.

SIR: I have the honor to transmit herewith, for the consideration of Congress, copy of a communication from the Secretary of State of the 11th instant and inclosure, in

relation to procuring an early appropriation of \$2,000 to pay sundry expenses incurred in obtaining records in cases of French spoliation, and to continue the search therefor, in lieu of the estimate of \$500 for this purpose submitted to Congress on the 10th of January last, and contained in House Executive Document No. 64.

Respectfully, yours,

HUGH S. THOMPSON,
Acting Secretary.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

DEPARTMENT OF STATE,
Washington, May 11, 1888.

SIR: I have the honor to refer to my letter of January 7, 1888, in regard to the estimates of deficiencies for 1887 and prior years. The fourth item therein specified was as follows:

"4. To supply a deficiency of \$500 in the appropriation for procuring evidence relative to the French spoliation claims."

At the date of my letter referred to, the amount necessary to complete the investigations made by order of Congress was not accurately known. I am now in receipt of the report of Mr. Somerville P. Tuck, appointed by me to discharge the duties imposed upon this Department by the act of Congress of January 20, 1885. This report has been transmitted by me to the President for submission to Congress. Accompanying the report, Mr. Tuck sends me a letter dated May 8, 1888, a copy of which is herewith inclosed, showing what work it has been necessary to do since the appropriation made for this purpose was exhausted, in order to complete the preparation of valuable papers recently discovered, and to prepare a digest of the information contained in the various documents of which copies had heretofore been procured.

The procurement of the needed information (which was for the protection of the United States against falsely pretended claims) required a careful investigation in foreign countries in order to discover what evidence was in existence, and it was further necessary that it should be put in such shape as to be utilized by the Court of Claims. The labor involved a particular intelligence and a knowledge of foreign languages. The reports made by Mr. Tuck from time to time are the best proofs of the thoroughness and satisfactory manner in which this difficult business has been transacted. The additional compensation for which he applies appears to the Department to be reasonable, and it is much to be desired that this appropriation may be made at an early day.

The amounts asked for in Mr. Tuck's letter aggregate \$1,426.89, covering the compensation for the labor of himself and his assistants and certain disbursements actually made or incurred. These amounts take in all such as were included in the estimate for \$500 heretofore transmitted and above referred to. It is thought highly probable that it may be necessary to procure for the Department of Justice, through the representatives of this Government abroad, copies of various papers described by Mr. Tuck in Appendix 3 of his report, copies of which were not obtained by reason of the exhaustion of the appropriation. For this purpose it will be advisable to secure, if possible, an appropriation somewhat in excess of the sums named by Mr. Tuck, and I therefore have the honor to respectfully suggest that Congress be requested to appropriate the sum of \$2,000 as a continuing appropriation to enable the Secretary of State to pay sundry expenses incurred in obtaining records in cases of French spoliation, in such form as to cover the deficiency above referred to, and also to permit such further expenditure as may, from time to time, be found necessary.

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

T. F. BAYARD.

Hon. CHARLES S. FAIRCHILD,
Secretary of the Treasury.

35 WALL STREET,
New York, May 8, 1888. (Received May 10.)

SIR: In compliance with your letter of instructions of August 19, 1886, I have the honor to transmit herewith the report of my proceedings during my employment as a special agent of the Department of State from the date above given to December 19 following, and during a subsequent employment from February 11 to October 11, 1887.

The work in which I was engaged was of such extent, and appeared to me to be of such importance, that I did not interrupt it to prepare the report previous to the date of the expiration of my employment, but continued my research until the 30th

of October, 1887, the date of my departure from Paris for the United States. The expediency of this course was demonstrated by finding three days before I left Paris, at the "Archives Nationales," the registers of the executive provisional council, and certain of the records of the committee of public safety, for which I had been in search for several months. As it was necessary to have these abstracted, and there were a number of copies of other records not then ready for forwarding to the Department, after consultation with the Hon. R. M. McLane, I arranged with my assistant, Mr. A. Bailly-Blanchard, that he would continue the work after the expiration of his current month, November 16, and for that purpose I left my lists, memoranda, letters, and letter copy-books in the custody of Mr. McLane until the material therein contained should be digested and a draft prepared for use in making my report.

As to the form that this report should take I could not easily come to a decision but finally determined that there was but one method by which I could comply with your instructions to give in detail an account of my proceedings and at the same time put the report in a form most available for use, and that was to make a brief of the work done, and information and evidence procured and obtained as to each vessel, and the dates of forwarding same to the Department. This will be found in Appendix 1 as to 1,571 vessels, of which, by comparison with the printed spoliation docket of the Court of Claims, I have identified 941 as the subjects of 3,274 claims now before that court, and these numbers will doubtless be much increased by an examination of the petitions and proof there on file.

Appendix 2 contains a description of documents copied having general reference to the subject of the spoliations in question, and not referring to particular vessels.

Appendix 3 is a schedule of 516 vessels as to which the information or evidence therein described has not been copied by reason of the exhaustion of the appropriation. Mention is made of the place where such records were found, and an indication of those vessels upon which claims have been filed as above stated. The material for which I prepared these appendices consisted of 1,003 cap pages, compiled by Mr. Blanchard from my memoranda of search at the different places in France, Great Britain, Spain, Belgium, and Holland named, all lists and copies made and received, and the voluminous correspondence extending over the year of my employment.

When I left Paris I believed that this work would not require more than two months, and, upon my arrival in Washington, so stated. A requisition was then made for a further appropriation of \$500 to provide for the compensation of Mr. Blanchard and such necessary disbursements as might be incurred in the preparation of the report. I find that I was in error as to the period I had named and that Mr. Blanchard could not conclude his labors until the 16th of March last. I inclose herewith a memorandum of this work, which I certify to be correct and to have been most accurately, thoroughly, and well done, and respectfully request that he be allowed the sum of \$200 per month for his services, in all \$800 for one hundred and twenty-two actual working days (from November 16, 1887, to March 16, 1888), of ten hours each, and a further sum of \$16.89 for his disbursements as per copy voucher inclosed.

Since my account was allowed I have received a memoranda from George Davis, Son & Co., solicitors, of London, of services rendered me at the admiralty registry and public record office, London, of which I inclose a copy, and certify the services and amount, 5 guineas, to be correct. I have also received notice from the clerk of the tribunal of commerce at Boulogne that there is due him the sum of 100 francs for searcher's fee; this is also correct.

In the preparation of this report and appendices I have been continuously engaged for two months, and I respectfully request that I be allowed the sum of \$500 in payment therefor, and that a further requisition for \$1,000 be made, so that the total sum asked for to provide for the deficiency in the matter of French spoliation search will be \$1,500, to pay amounts as follows, viz:

Mr. Blanchard's compensation	\$800. 00
Mr. Blanchard's disbursements	16. 89
Account of George Davis, Son & Co	25. 00
Account of clerk at Boulogne	20. 00
My compensation	500. 00
My disbursements for type-writing, etc	65. 00

I desire especially to call your attention to that portion of my report which sets forth the work which yet remains to be done to fully complete the transmission of all the records and evidence affecting the claims now known to be available.

I am, sir, your obedient servant,

SOMERVILLE P. TUCK.

Hon. T. F. BAYARD,
Secretary of State.

ESTIMATES OF APPROPRIATIONS.

[Senate Executive Document No. 256, Fiftieth Congress, first session.]

Letter from the Secretary of the Treasury, transmitting estimates of appropriations required to complete the service of the fiscal year ended June 30, 1888, and for prior years.

[SEPTEMBER 4, 1888.—Referred to the Committee on Appropriations and ordered to be printed.]

TREASURY DEPARTMENT,
September 4, 1888.

SIR: I have the honor to transmit herewith supplemental estimates of appropriations required by the various Departments of the Government to complete the service of the fiscal year ended June 30, 1888, and for prior years, amounting to \$8,613.51, and for the postal service, payable from postal revenues, \$473.

Respectfully, yours,

C. S. FAIRCHILD,
Secretary.

The PRESIDENT PRO TEMPORE UNITED STATES SENATE.

Estimates of appropriations required by the various Departments to complete the service of the fiscal year ended June 30, 1888, and for prior years.

Detailed objects of expenditure, and explanations.	Estimated amount which will be required for each detailed object of expenditure.	Amount appropriated for the fiscal year for which the appropriation is required.
STATE DEPARTMENT.		
<i>Foreign intercourse.</i>		
Salaries, consular service—		
To pay amounts found due by the accounting officers of the Treasury on account of salaries, consular service, being a deficiency for the fiscal year 1887 (July 1, 1888, vol. 24, p. 115, sec. 1)	\$650.00	\$416,000.00
Salaries, consular officers not citizens—		
To pay amounts found due by the accounting officers of the Treasury on account of salaries of consular officers not citizens, being a deficiency for the fiscal year 1887 (July 1, 1886, vol. 24, p. 115, sec. 1)	153.84	6,000.00
Total Department of State, foreign intercourse.	803.84	422,000.00
TREASURY DEPARTMENT.		
<i>Public buildings.</i>		
Court-house, post-office, etc., at Waco, Tex.—		
To pay the amount found due by the accounting officers of the Treasury to John Moore, contractor, for extra labor and materials supplied and expenses incurred in connection with his contract of August 21, 1886, for the construction of a court-house, post-office, etc., at Waco, Tex. (January 13, 1885, vol. 23, p. 282, sec. 1)	2,873.88	100,000.00
NAVY DEPARTMENT.		
<i>Naval establishment.</i>		
Pay, miscellaneous—		
To pay amounts found due by the accounting officers for actual expenses while traveling under orders, being for the service of the fiscal year 1888 (March 3, 1887, vol. 24, p. 581, sec. 1)	\$97.12	205,000.00
To pay amounts found due by the accounting officers on account of advertising, being for the service of the fiscal year 1887 (July 26, 1886, vol. 24, p. 149, sec. 1)	14.00	225,000.00

GENERAL DEFICIENCY APPROPRIATIONS.

7

Estimates of appropriations required by the various Departments, etc.—Continued.

Detailed objects of expenditure, and explanations.	Estimated amount which will be required for each detailed object of expenditure.	Amount appropriated for the fiscal year for which the appropriation is required,
NAVY DEPARTMENT.		
<i>Marine Corps.</i>		
Pay, Marine Corps—		
To pay amounts found due by the accounting officers on account of undrawn clothing, being for the service of the fiscal year 1888 (March 3, 1887, vol. 24, p. 590, sec. 1).....	2,094.74	20,000.00
Provisions, Marine Corps—		
To pay amounts found due by the accounting officers on account of advertising, being for the service of the fiscal year 1888 (March 3, 1887, vol. 24, p. 591, sec. 1).....	79.83	58,000.00
Clothing, Marine Corps—		
To pay amounts found due by the accounting officers on account of advertising, being for the service of the fiscal year 1888 (March 3, 1887, vol. 24, p. 591, sec. 1).....	79.83	60,000.00
Fuel, Marine Corps—		
To pay amounts found due by the accounting officers on account of advertising, being for the service of the fiscal year 1888 (March 3, 1887, vol. 24, p. 591, sec. 1).....	79.82	18,000.00
Contingent, Marine Corps—		
To pay amounts found due by the accounting officers on account of advertising, being for the service of the fiscal year 1888 (March 3, 1887, vol. 24, p. 592, sec. 1).....	79.84	26,322.02
Transportation and recruiting, Marine Corps—		
To pay amounts found due by the accounting officers on account of advertising, being for the service of the fiscal year 1888 (March 3, 1887, vol. 24, p. 591, sec. 1).....	43.50	9,000.00
<i>Bureau of Provisions and Clothing.</i>		
Contingent, Bureau of Provisions and Clothing—		
To pay amounts found due by the accounting officers on account of advertising, being for the service of the fiscal year 1888 (March 3, 1887, vol. 24, p. 587, sec. 1).....	155.86	50,000.00
<i>Bureau of Ordnance.</i>		
Contingent, Bureau of Ordnance—		
To pay amounts found due by the accounting officers on account of advertising, being for the service of the fiscal year 1888 (March 3, 1887, vol. 24, p. 583, sec. 1).....	.57	5,000.00
To pay amounts found due by the accounting officers on account of freight, being for the service of the fiscal year 1888 (March 3, 1887, vol. 24, p. 583, sec. 1).....	59.70	
Total Navy Department.....	3,474.81	676,322.02
INTERIOR DEPARTMENT.		
<i>Public lands service.</i>		
Salaries and commissions of registers and receivers—		
To pay amount found due by the accounting officers of the Treasury on account of salaries and commissions of registers and receivers, being a deficiency for the fiscal year 1888 (Mar. 3, 1887, vol. 24, p. 526, sec. 1).....	1,283.42	500,000.00
Preservation of abandoned military reservations—		
To pay amounts found due by the accounting officers of the Treasury on account of preservation of abandoned military reservations, being a deficiency for the fiscal year 1888 (March 3, 1887, vol. 24, p. 527, sec. 1).....	175.00	2,000.00
Total public lands service.....	1,458.42	502,000.00

GENERAL DEFICIENCY APPROPRIATIONS.

Estimates of appropriations required by the various Departments, etc.—Continued.

Detailed objects of expenditure, and explanations.	Estimated amount which will be required for each detailed object of expenditure.	Amount appropriated for the fiscal year for which the appropriation is required.
INTERIOR DEPARTMENT—continued.		
<i>National Museum.</i>		
Preservation of collections, National Museum—		
To pay the Southern Pacific Railroad Company of New Mexico the amount found due by the accounting officers of the Treasury, being a deficiency in the appropriation for preservation of collections for the National Museum for the fiscal year 1887 (Aug. 4, 1886, vol. 24, p. 242, sec. 1).....	\$2.56	\$106,500.00
Total Interior Department.....	1,460.98	608,500.00
POST-OFFICE DEPARTMENT.		
<i>Postal service.</i>		
Compensation to clerks in post-offices—		
Frank F. Kinchel, postmaster, Johnsburgh, Ind. June 30, 1886, vol. 24, p. 91, sec. 1)—		
For clerk hire undercredited in the—		
Third quarter, 1886.....	\$15.00	
Fourth quarter, 1886.....	15.00	
First quarter, 1887.....	15.00	
Second quarter, 1887.....	15.00	
Willis V. Bell, postmaster, Ada, Ala. (June 30, 1886, vol. 24, p. 91, sec. 1)—		60.00
For clerk hire undercredited in the—		
First quarter, 1887.....	\$19.00	
Second quarter, 1887.....	19.00	
John B. Park, late postmaster, Irvine, Ky., for clerk hire undercredited in the third quarter, 1886 (June 30, 1886, vol. 24, p. 91, sec. 1).....		25.00
A. W. Copeland, postmaster, Detroit, Mich., for clerk hire undercredited in the second quarter, 1887 (June 30, 1886, vol. 24, p. 91, sec. 1).....		75.00
L. H. Mosier, postmaster, Sunbright, Tenn. (June 30, 1886, vol. 24, p. 91, sec. 1)—		
For clerk hire undercredited in the—		
First quarter, 1887.....	\$12.50	
Second quarter, 1887.....	12.50	
W. E. Smith, late postmaster, Butte City, Mont. (June 30, 1886, vol. 24, p. 91, sec. 1)—		25.00
For clerk hire undercredited in the—		
Third quarter, 1886.....	\$40.00	
Fourth quarter, 1886.....	110.00	
First quarter, 1887.....	100.00	
Total postal service, payable from postal revenues for the fiscal year 1887.....	473.00	5,150,000.00

RECAPITULATION.

Department of State.....	\$803.84	\$422,000.00
Treasury Department.....	2,873.88	100,000.00
Navy Department.....	3,474.81	676,322.02
Interior Department.....	1,460.98	608,500.00
Post-Office Department (postal service, from postal revenues, \$473).....		
Total.....	8,613.51	1,806,822.02

ASSOCIATE JUSTICES OF SUPREME COURT OF DAKOTA.

[Public—No. 256.]

AN ACT to provide for two additional associate justices of the supreme court of Dakota, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That hereafter the supreme court of the Territory of Dakota shall consist of a chief justice and seven associate justices, any five of whom shall constitute a quorum.

SEC. 2. That it shall be the duty of the President to appoint two additional associate justices of said supreme court in manner now provided by law, who shall hold their offices for the term of four years and until their successors are appointed and qualified.

SEC. 3. That the Territory of Dakota shall be divided into eight judicial districts, and a district court for the trial of all cases arising under the laws of said Territory, or which may be within the jurisdiction of said courts under the laws of said Territory, shall be held in each district by one of the justices of said supreme court, at such time and place as may be provided by law. Each judge, after assignment, shall reside in the district to which he is assigned.

SEC. 4. That the fifth judicial district of said Territory, as defined by act of Congress approved July fourth, eighteen hundred and eighty-four, shall be divided into two judicial districts, which shall be known as the fifth and seventh judicial districts of said Territory; and the third judicial district of said Territory shall be divided into two judicial districts, which shall be known and called the third and eighth judicial districts of said Territory.

SEC. 5. That the fifth judicial district of said Territory shall consist of the counties of Beadle, Kingsbury, Brookings, Hughes, Hyde, Hand, Sully, Faulk, Clarke, Potter, Codington, Hamlin, and Deuel.

SEC. 6. That the seventh judicial district of said Territory shall consist of the counties of Spink, Brown, Day, Marshall, Grant, Roberts, Edmunds, Walworth, McPherson, Campbell, and the Sisseton and Wahpeton Indian Reservation, and also shall include the following portion of the Great Sioux Indian Reservation, to wit: All that portion lying northward of the counties Presho and Pratt, and a line extending the north line of the county of Pratt to the twenty-fifth degree of longitude west from Washington, and eastward of said degree of longitude, and southward of the north line of Bozeman and Schnasse Counties.

SEC. 7. That the eighth judicial district of said Territory shall consist of the counties of Grand Forks, Walsh, Pembina, Nelson, Ramsey, Cavalier, and Turner.

SEC. 8. That the third judicial district of said Territory shall consist of the counties now constituting the same, except as it may be affected by the formation of the eighth judicial district herein provided for.

SEC. 9. That temporarily, and until otherwise ordered by law, the additional associate justices herein provided for shall be assigned to the seventh and eighth judicial districts, respectively; and it shall be the duty of said judges to appoint and fix the terms of holding courts in each of the counties of their respective districts until the legislative assembly of said Territory shall fix said terms.

SEC. 10. That the district court in each of said districts shall have jurisdiction to try, hear, and determine all matters and causes that the court of any district of said Territory possesses, excepting as hereinafter mentioned, and all causes and matters now pending in the old districts affecting persons or things which properly belong to the new districts hereby created shall be certified for disposition to said new districts by the judge of the old district; and section six of the act entitled "An act providing for an additional associate justice of the supreme court of the Territory of Dakota," approved March third, eighteen hundred and seventy-nine, and section seven of the act entitled "An act providing for two additional associate justices of supreme court of the Territory of Dakota, one additional associate justice of the supreme court of the Territory of Washington, and for other purposes," approved July fourth, eighteen hundred and eighty-four, be, and the same are hereby, repealed.

SEC. 11. That the associate justice of each judicial district shall hold at least one term of the United States district court in each year, at such place in his judicial district as he may select, and grand and petit juries shall be summoned thereto as now provided by law, and said associate justice shall hold at least one term of court in each judicial subdivision of his district in each year.

SEC. 12. That no justice of the supreme court of said Territory shall sit as a member of said court in the trial of any question decided by him in his district, or wherein he has any interest directly or indirectly.

SEC. 13. That nothing in this act shall be so construed as to prevent the legislative assembly of said Territory at any time from changing and arranging the boundaries of the judicial districts of said Territory, nor from fixing the time and place of holding the several terms of court in said district.

SEC. 14. That all offenses committed before the passage of this act shall be prosecuted, tried, and determined in the same manner and with the same effect (except as to the number of judges) as if this act had not been passed.

SEC. 15. That all unorganized counties lying west of said eighth judicial district are hereby annexed, for judicial purposes, to the sixth judicial district of said Territory.

Approved, August 9, 1888.

ADDITIONAL ASSOCIATE JUSTICE IN NEW MEXICO.

[Senate Executive Document No. 238, Fiftieth Congress, first session.]

Letter from the Secretary of the Treasury, transmitting estimate for appropriation for additional associate justice in New Mexico.

[AUGUST 17, 1888.—Ordered to be printed and referred to the Committee on Appropriations.]

TREASURY DEPARTMENT, August 16, 1888.

SIR: I have the honor to transmit herewith, for the consideration of Congress, copy of a communication from the First Comptroller of the Treasury of the 15th instant, requesting an appropriation of \$841.67 to pay the additional associate justice created by the act of February 28, 1887, for the Territory of New Mexico, from the date of his qualification, March 21, 1887, to June 30, 1887, no appropriation having been made for that period.

Respectfully, yours,

C. S. FAIRCHILD,
Secretary.

The PRESIDENT PRO TEMPORE UNITED STATES SENATE.

TREASURY DEPARTMENT,
OFFICE OF THE FIRST COMPTROLLER,
Washington, D. C., August 15, 1888.

SIR: The act of February 28, 1887, creating an additional associate justice for the Territory of New Mexico made no appropriation for his salary. The judge, Reuben A. Reeves, appointed under the act, took the oath of office March 21, 1887.

The salary due Judge Reeves from March 21, 1887, to June 30, 1887, for the payment of which there is no appropriation available, is \$841.67. I have to request, therefore, that you submit to Congress the necessary estimate for an appropriation.

Respectfully, yours,

M. J. DURHAM,
By J. R. GARRISON,
Deputy Comptroller.

The SECRETARY OF THE TREASURY.

CASTLE HILL LIGHT STATION

[Senate Executive Document No. 268, Fiftieth Congress, first session.]

Letter from the Secretary of the Treasury, relative to the appropriation for Castle Hill light station.

[SEPTEMBER 15, 1888.—Referred to the Committee on Appropriations and ordered to be printed.]

TREASURY DEPARTMENT, September 14, 1888.

SIR: I have the honor to transmit herewith, for the consideration of Congress, copy of a communication from the chairman of the Light-House Board, dated the 11th instant, recommending that the funds already appropriated for Castle Hill light sta-

tion, Rhode Island, on condition that a site be obtained without expense to the Government, etc., be made available without condition, so that the Light-House Board may select a more suitable site.

Appropriations for this object were made by the act of August 4, 1886 (24 Stats., p. 225), \$10,000, and act of March 30, 1888 (Public, No. 27, p. 3), \$5,000.

Respectfully, yours,

C. S. FAIRCHILD,
Secretary.

THE PRESIDENT PRO TEMPORE UNITED STATES SENATE.

—
TREASURY DEPARTMENT,
OFFICE OF THE LIGHT-HOUSE BOARD,
Washington, September 11, 1888.

SIR: By the act of March 3, 1875, an appropriation of \$10,000 was made to build a fog-signal at Castle Hill, entrance to Newport Harbor, Rhode Island. As no proper site for the building could be obtained the appropriation was allowed to lapse back to the Treasury.

On August 4, 1886, the same amount was appropriated to establish both a light-house and fog-signal there, but it was "provided that a suitable site for the same can be obtained without expense to the Government upon terms and conditions to be agreed upon by the Light-House Board with the owner of the land at Castle Hill."

After considerable correspondence it was found that such an agreement could not be carried into effect upon the appropriation made.

On March 30, 1888, an additional appropriation of \$5,000 was made, but it was still found to be impossible to build a light-house and fog-signal for the amounts appropriated upon the existing conditions.

The Board, therefore, now recommends that the funds appropriated on condition that a site be obtained "without expense to the Government," etc., be made available without condition, so that the Light-House Board may select a more suitable site.

It is believed that such a site can be obtained by condemnation, and that proper structures can be erected for the amounts already appropriated, if they can be made available without the condition which now prevents action in the matter.

Respectfully, yours,

S. C. ROWAN,
Vice-Admiral, U. S. N., Chairman.

THE SECRETARY OF THE TREASURY.

EMPLOYMENT OF COUNSEL IN SAMUEL STRONG CASE.

OFFICE OF THE ATTORNEY OF THE DISTRICT OF COLUMBIA,
Washington, August 31, 1888.

SIR: I beg to ask the attention of the committee to the letter (copy inclosed) of the Commissioners of the District to the House Committee on Appropriations, under date of July 26, asking an appropriation of \$2,500 for the employment of special counsel in the case of Strong *vs.* The District of Columbia, lately referred by joint resolution of Congress to arbitrators. The House committee recommended the insertion in the general deficiency bill of an item to that effect, but it was ruled out on a point of order under the House rules.

Unless some provision be made to assist this office in the matter, the result must be great embarrassment to the operations of the office and a very insufficient defense of the District before the arbitrators. The record in the case (to which the arbitrators are empowered to add by taking additional testimony) shows that Mr. Strong claims for items of work over one hundred and thirty in number, arising out of ten contracts; that they aggregate in amount \$424,216.35, exclusive of interest; and that the pleadings and testimony occupy more than 5,000 octavo printed pages. The witnesses already examined exceed one hundred in number, and the exhibits exceed seven hundred. The issues of fact presented by this mass of testimony are practically innumerable, and they involve measurements and details of the most varied character besides the veracity of witnesses and the integrity of papers and other instruments of evidence. Although a portion of the case (namely, the claim for loss on Auditor's certificates) has been excluded from the consideration of the arbitrators, the testimony affecting that portion is so inconsiderable in comparison and so interwoven with

the rest of the case as not appreciably to affect the necessity of an examination and presentation of the entire record.

The mere presentation of the case to the arbitrators will consume six weeks in time at the very lowest calculation, and the last argument (which was under limitation of time by the court) occupied ten days. To the time necessary for presentation and argument must be added that necessary for preparation; and allowance must also be made for adjournments of the arbitrators from time to time and other possible causes of protracting the hearing of the case. I feel assured that not less than three months, and probably four, must be devoted exclusively to the case by counsel.

When it is considered that while this hearing will be going on before the arbitrators the force of this office will at the same time be occupied with its usual duties, including those in court and in advising the Commissioners, the impossibility of our giving the case the attention it requires is manifest. During the sessions of the arbitrators our force will be called upon to attend to the District's interests before the equity, circuit, criminal, and general terms of the supreme court of the District, the police court of the District, and the Supreme Court of the United States, all sitting at the same time. In the last-named court alone we have pending, and that will come on for hearing within the time in question, several cases of such magnitude and importance that both the attorney and myself must engage in their argument, while in the lower courts both of us are kept occupied without a week's interval throughout the sessions of the several terms.

Our force consists only of the attorney, assistant attorney, special assistant attorney, clerk, and messenger. The duties of the two last named are the usual duties pertaining to their positions. The special assistant attorney is engaged exclusively in the police court, where he is on duty every day in the year, except Sundays, but including legal holidays. The general legal duties of the office are thus left to the attorney and assistant attorney. If one of us must give his exclusive attention to the Strong case for three or four months, the work of the office must become seriously deranged and ourselves and the Commissioners greatly embarrassed in administering the District's affairs.

And as only one of us can participate in the hearing of Strong's case, that one, unless assistance be given, must face alone Strong's array of counsel, of whom he has had actively engaged four, headed by Messrs. Benjamin F. Butler and William A. Cook; and besides these four he has had several employed in various ways in assisting the principals. Unless we get some assistance the District will have pitted against this array one man; and no one man can possibly do justice to the District's interests in the premises.

Respectfully,

HENRY E. DAVIS,
Assistant Attorney.

HON. WILLIAM B. ALLISON,
Chairman Senate Committee on Appropriations.

OFFICE OF THE COMMISSIONERS, DISTRICT OF COLUMBIA,
Washington, July 26, 1888.

SIR: The recent passage and approval of the joint resolution (S. R. 26) to arbitrate the case of Samuel Strong against the District of Columbia necessitates the employment of special counsel to represent the District before the arbitrators. While the case was before the courts its volume, the numerous and perplexing questions of fact involved, the time demanded for attention to its many details, and the undesirability, if not practical impossibility, of deranging the business of the attorney's office for this one matter made it necessary to employ Mr. Francis Miller as special counsel, at a compensation of \$2,500. Mr. Miller has since deceased, and the fact that the coming trial of the case is to be before arbitrators, while the attorney's office will be engaged in its usual business before the courts, increases the necessity of securing some one in the place of Mr. Miller.

The Commissioners therefore request that provision be made in the deficiency bill (for the matter is urgent) to enable them to employ and pay special counsel in the case, and that \$2,500 be appropriated for that purpose.

Very respectfully,

W. B. WEBB,
President.

HON. SAMUEL J. RANDALL,
Chairman Committee on Appropriations, House of Representatives.

WASHINGTON AQUEDUCT TUNNEL.

OFFICE OF BECKWITH & QUACKENBUSH,
Washington, D. C., July 10, 1888.

DEAR SIR: The urgent deficiency act, approved March 30, 1888, appropriating funds for the completion of the Washington Aqueduct tunnel, contained, among other things, a proviso requiring the work to be completed by November 1, 1888. By virtue of the provisions of this act we entered into supplemental articles of agreement with the Secretary of War, undertaking to complete the work within the sum appropriated, the said articles containing a clause to the effect that we should do all in our power to complete the said work on or before November 1, 1888, but reserving to the Secretary the right to suspend payments after that date unless the said limitation of time should be extended by law.

This act being approved March 30, pumping operations were immediately begun, the tunnel having filled with water during the suspension of work pending the appropriation of additional funds.

Forty-one days were consumed in clearing the tunnel from the west connecting shaft to the crown of the easterly grade in Howard University shaft west, and the latter section was not fully dried until May 27.

The supplemental articles of agreement were signed on May 8, 1888, but it was not until the 27th of that month that work was fully practicable along the whole line. Work of a fragmentary character was begun on the higher levels east and west from Foundry branch shaft on May 11, it is true, but to all main intents we may say that full lining operations were not and could not be resumed prior to May 27, or, say June 1.

Since that date we have crowded the work with all possible dispatch. We have had 232 men at work trimming; that is to say, enlarging the section of the tunnel to admit the masonry arch, and 120 masons at work on the lining itself.

This is the maximum force that we can work by reason of the fact that the facilities of ingress to and egress from the tunnel for men and material are limited by the capacity of the shafts for hoisting and lowering, and also by the confined nature of the space in which work must be done.

Our experience is that, in the sense of completed work, 50 lineal feet per day or about 1,300 feet per month is the maximum of possible accomplishment, in view of the physical limitations before referred to. At this date 8,907 lineal feet remain to be lined. Dividing this amount by the ascertained possible progress per month, 1,300 feet, we find that it will require, at the maximum rate of work possible, seven months from July 1, 1888, to complete the masonry lining alone. To this another month must be added for the operations of cleaning up, removing plant, filling up the intermediate shafts, and perfecting the eastern and western reservoir connections to the extent required by the contract; therefore, roundly, eight months from July 1, 1888. This estimate is net, and makes no allowance whatever for unforeseen contingencies, for which the usual margin allowed by engineers is never less than 10 per cent., and often, in subterranean work, more. On this basis an additional month should be granted. A fair and reasonable calculation therefore would indicate the certain completion of the work in all respects by April 1, 1888, contingencies included; while, by reason of the physical limitations before referred to, its completion by March 1 is only possible at the maximum rate of progress and in the entire absence of any and all retarding circumstances—a state of things not likely to occur.

We therefore respectfully ask that you will use your endeavors to secure an extension of the time allowed by law for the completion of the Washington aqueduct tunnel from November 1, 1888, to April 1, 1889; and that to this end you will have inserted in the general deficiency appropriation bill a clause modifying the requirement of the urgent deficiency act approved March 30, 1888, to that extent.

And if your honorable committee deem further technical or practical information necessary we will be in readiness to respond to your summons at any time.

Very respectfully,

BECKWITH & QUACKENBUSH.
A. C. BUELL,
Consulting Engineer.

Hon. WILLIAM B. ALLISON.

—
Memorandum.

(1) The urgent deficiency act, approved March 30, 1888, appropriated \$355,000 for completing the Washington Aqueduct tunnel and provided that all the work shall be completed by the 1st of November, 1888.

(2) This imposed a condition which it was impossible to fulfill.

(3) Suggested that the difficulty be remedied by a suitable provision in the pending general deficiency bill, whereby the time for completing the work on the Washington Aqueduct, under the appropriation made by the urgent deficiency act approved March 30, 1888, shall be extended to June 30, 1889. Unless such provision be made it is believed that no money on account of that appropriation can be expended after November 1, 1888, thereby causing a suspension of operations on this important work.

G. J. LYDECKER,
Major of Engineers, U. S. Army

WASHINGTON, D. C., September 11, 1888.

The following is a copy of report made to the Chief of Engineers, U. S. Army, in relation to this matter, immediately after passage of the act of March 30, 1888.—G. J. L.

OFFICE OF THE WASHINGTON AQUEDUCT,
Washington, D. C., March 29, 1888.

SIR: The appropriation for completing the Washington Aqueduct tunnel, contained in the urgent deficiency bill as recently passed in both houses of Congress, provides that the entire work shall be completed by the 1st of next November. It requires but little consideration to see that it will be entirely impossible to comply with this provision, and I simply do justice to myself in making early official record of that fact. Operations have been wholly suspended since last September, a period of six months, and the tunnel is now full of water; it will probably be not less than six weeks before the tunnel can be cleared and active operations vigorously begun; when this is done there will be before us the work of enlarging the tunnel from normal to lining section, and of placing the masonry lining through a length of over 12,000 feet of tunnel, and completing the working shafts at Champlain avenue, Rock Creek, and Foundry Branch. I would consider operations as most vigorously prosecuted if the work above indicated should be fully completed in eight months from the date on which work is actively resumed, and have great doubt whether it can be done in less than ten.

I do not know what influence procured the insertion of the positive requirement of the bill, the accomplishment of which is so utterly impossible; no intimation of such a provision came to me, or any person connected with this office, until after final action on the bill in both houses of Congress. Nor can I assert from any positive knowledge that it was suggested in the interests of the present contractors on the work, though it looks strongly as if such might have been the case. That is to say, the bill provides that the work may "be done under the contract heretofore made or by a re-letting, as in the discretion of the Secretary of War shall be most promotive of the interests of the Government;" but the positive limitation of time would appear to nullify the discretion given in that provision, as the period required for advertising, making new contracts, and getting new contractors and plant on the work would add very materially to the time in which the present contractors could complete it.

I do not imagine that anything can now be done to remedy the difficulty, and my only purpose in submitting this statement is to put myself on record in relation to the matter, and to advise the Department that we are about to be called upon to execute an impossible provision of law.

Very respectfully, your obedient servant,

G. J. LYDECKER,
Major of Engineers, U. S. Army.

The CHIEF OF ENGINEERS,
U. S. Army, Washington, D. C.

WAR DEPARTMENT.

WAR DEPARTMENT, PAYMASTER-GENERAL'S OFFICE,
Washington, D. C., August 31, 1888.

SIR: I observe that on line 4, page 18 of H. R. 10896 (the deficiency bill), that but \$5,000 is appropriated for the payment of officers.

I apprehend that this sum will not be sufficient for that purpose, as there are now on file in this office awaiting payment vouchers to the amount of \$4,600, and I am in receipt daily of others. I would suggest that at least \$6,000 be appropriated for the payment of these claims. As the claims have accrued, a failure at this time to appropriate an amount sufficient to pay them will delay the re-imbusement of officers for expense incurred by them in the public service.

Very respectfully, your obedient servant,

WM. B. ROCHESTER,
Paymaster-General, U. S. Army.

Hon. W. B. ALLISON,
Chairman Committee on Appropriations, United States Senate.

CITADEL ACADEMY, CHARLESTON, S. C.

[Senate Ex. Doc. No. 240, Fiftieth Congress, first session.]

Letter from the Secretary of War relative to rental due South Carolina for rental of Citadel Academy, in Charleston.

[AUGUST 20, 1888.—Ordered to be printed and referred to the Committee on Appropriations.]

WAR DEPARTMENT,
Washington City, August 17, 1888.

SIR: In accordance with Senate Resolution No. 100, being "Joint resolution providing for the adjustment of the amount due to the State of South Carolina for the rent of the Citadel Academy," and directing the Secretary of War to investigate and report the amount due to the State of South Carolina for the rent of the Citadel at Charleston, S. C., from August 20, 1867, to February 2, 1882, including the sum equitably due to the State for the loss by fire of the west wing of the said building while in the occupation of the United States, approved August 15, 1888, I have the honor to inclose a report, dated the 3d instant, from the Quartermaster-General, who expresses the opinion that a fair rental to be allowed for the property for the time of its occupancy by the United States after the 20th of August, 1866, the date of the close of the war of the rebellion, would be \$4,000 per annum; and he finds that in view of the injuries resulting thereto by reason of wear and tear and by fire claimed to have occurred during the period of its occupancy by the United States, payment should be allowed at the rate of \$5,000 per annum from the said 20th day of August, 1866, to the 2d day of February, 1882, being fifteen years five months and twelve days, amounting to \$77,250, provided that this sum be accepted in lieu of all claims for rent, wear and tear, and injury to the property by fire, or from any other cause whatever due to the said occupancy by the United States.

After investigating the facts of this case the Quartermaster-General is of opinion that the sum of \$77,250, upon the terms and conditions recited above, would be a fair compensation for the use and occupation of the building and the damage thereto.

Very respectfully, your obedient servant,

WILLIAM C. ENDICOTT,
Secretary of War.

THE PRESIDENT PRO TEMPORE UNITED STATES SENATE.

WAR DEPARTMENT,
QUARTERMASTER-GENERAL'S OFFICE,
Washington, D. C., August 3, 1888.

SIR: Referring to joint resolution (S. R. 100) providing for the adjustment of the amount due to the State of South Carolina for the rent of the Citadel Academy at Charleston, S. C., I have the honor to report that, after careful consideration of all the facts in the case, the Quartermaster-General is of opinion that a fair rental to be allowed for the property for the time of its occupancy by the United States after the 20th of August, 1866, the date of the close of the war of the rebellion, would be \$4,000 per annum.

In view, however, of injuries resulting thereto by reason of wear and tear, and by fire claimed to have occurred during the period of its occupancy by the United States, the exact amount of which it is now impossible to determine, the Quartermaster-General is of opinion, and accordingly recommends that payment be allowed at the rate of \$5,000 per annum, from the said 20th day of August, 1866, to the 2d day of February, 1882, the date on which the property was vacated, it being fifteen years, five months, and twelve days, amounting to \$77,250, provided that the said sum be accepted in lieu of all claims for rent, wear and tear, and injury to the property by fire, or from any other cause whatever due to said occupation by the United States.

Very respectfully, your obedient servant,

S. B. HOLABIRD,
Quartermaster-General, U. S. Army.

THE SECRETARY OF WAR.

[Public Resolution—No. 35.]

JOINT RESOLUTION directing the Secretary of War to investigate and report the amount due to the State of South Carolina for the rent of the Citadel Academy.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he is hereby, authorized

and directed to investigate and report the amount due to the State of South Carolina for the rent of the Citadel, at Charleston, South Carolina, from August twentieth, eighteen hundred and sixty-seven, to February second, eighteen hundred and eighty-two, including the sum equitably due to the State of South Carolina for the loss by fire of the west wing of the said building while in the occupation of the United States, and the appropriation by the United States of the bricks of the said wing to other Government uses; and that he report such investigation to Congress.

Approved, August 14, 1888.

NAVY DEPARTMENT.

NAVY DEPARTMENT,
Washington, August 31, 1888.

SIR: Referring to the bill (H. R. 10896) "making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1888, and for prior years, and for other purposes," as passed by the House of Representatives on the 27th instant, I have the honor to state that, on examination, it is found that sundry estimates of deficiencies heretofore reported by this Department to the Secretary of the Treasury, and by him transmitted to Congress as required by section 3669, Revised Statutes, are omitted in said bill, and it has therefore become necessary for the Department to invite the attention of the committee to the following items contained in the "revised estimates of deficiencies," dated December 21, 1887, and in the estimates of "supplemental deficiencies" dated June 21, 1888, printed as Executive Documents Nos. 29 and 376, H. R., Fiftieth Congress, first session.

The deficiencies in question may be classified under two heads: First, those in which the service rendered or article furnished has been already paid for, and the appropriation is necessary for the purpose only of correctly adjusting the accounts involved in such payment; in these cases the appropriation involves no withdrawal of money from the Treasury; secondly, those in which the parties who have rendered the service or furnished the article or are entitled to compensation have not yet been paid. In these cases the appropriation involves the withdrawal of money from the Treasury.

The deficiencies under the first head above stated are as follows:

Appropriations necessary to relieve officers of the Navy from checkages against their accounts for payments made on approved bills.

- | | |
|---|----------|
| (1) Amount paid by Pay Director A. W. Russell, U. S. Navy, to Matthew Wilson for painting portrait of ex-Secretary Chandler | \$331.50 |
| (2) Amount paid by Pay Director Thomas H. Looker, U. S. Navy, to E. F. Andrews, for painting portraits of ex-Secretaries Borie and Woodbury | 500.00 |

The particulars relating to these payments are stated on page 14 of said Ex. Doc. No. 29.

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|--|---------|
| (3) Amount paid by Pay Director T. H. Looker, U. S. Navy, for rental of branch Hydrographic Office, Washington, D. C. | \$23.33 |
| (See page 13, Ex. Doc. No. 376.) | |
| (4) Amount paid by Pay Inspector T. T. Caswell, U. S. Navy, to A. P. Boller & Co., on settlement under their contract of December 19, 1881, for iron wharf at Key West | 798.57 |
| (See page 14, Ex. Doc. No. 376.) | |

Deficiencies under second head:

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|--|------------|
| (1) Amount required to pay for stationery furnished during the fiscal year 1887 | 219.58 |
| (See page 12, Ex. Doc. No. 376.) | |
| (2) Amount required for unpaid bills on account of expenses of the Naval War College, fiscal year 1887 | 234.20 |
| (3) Amount required to pay for work, etc., on compass-testing houses, Bureau of Navigation, fiscal year 1887 | 32.89 |
| (4) Amount required for unpaid bills under "Contingent, Bureau of Ordnance," fiscal year 1888 (estimated) | \$2,000.00 |
| Amount due from "Contingent, Bureau of Ordnance," to "General account of advances" for disbursements abroad | 1,000.00 |

Total under Bureau of Ordnance	3,000.00
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For particulars concerning items 2, 3, and 4 see pages 13 and 14, Ex. Doc. 376.

The following item is not classified under either of the above-mentioned heads for the reason that, although the parties entitled to compensation have been paid, the question whether there is any regular appropriation to which the payment can

properly be charged appears to be unsettled. In the revised estimates for 1887 the amount is placed as an expenditure under "Navy, miscellaneous."

Amount paid by Pay Inspector John H. Stevenson, U. S. Navy, being an expenditure incurred in entertaining public officials on board the U. S. flag-ship *Tennessee* during the exposition at New Orleans, in February, 1885, and while said vessel was at that port, \$400.

The particulars concerning this expenditure are fully stated on page 17 of said Ex. Doc. No. 29.

In view of the necessity of such action by Congress as will authorize a proper adjustment and settlement of the several accounts involved in the deficiency estimates above mentioned, I have the honor to request the insertion thereof as amendments to said bill.

Very respectfully,

D. B. HARMONY,
Acting Secretary of the Navy.

Hon. WILLIAM B. ALLISON,
Chairman Committee on Appropriations, U. S. Senate.

THE WILLIAM CRAMP & SONS SHIP AND ENGINE BUILDING CO.,
Philadelphia, February 7, 1888

DEAR SIR: Inclosed please find copy of a letter from Hon. William E. Chandler to us, dated November 23, 1883, marked "Inclosure No. 1," also copy of letter same to same, dated February 19, 1885, marked "Inclosure No. 2," also copy of bill rendered by us to the Department, pursuant to Secretary Chandler's letter of the last-named date, marked "Inclosure No. 3."

Owing to the short space of time elapsing between Secretary Chandler's order of February 19, 1885, and the expiration of his term, March 3 following, the bill remained unpaid.

We applied to Secretary Whitney to carry out the provisions of Secretary Chandler's agreement with us, but without satisfaction.

We therefore venture to bring the matter to your notice as an obligation of the Government duly entered into by an officer of proper authority, and still due and unpaid. It is not in the nature of a claim, but an admitted debt, requiring no adjudication (*vide* concluding sentence of Secretary Chandler's letter of February 19, 1885), and we respectfully ask you to incorporate provision for its discharge in the urgency deficiency bill, now in the other branch of Congress, when that bill shall have reached your honorable committee.

As Secretary Chandler is now a member of the Senate, it might be convenient for you to consult him as to any details of the transaction which you might desire to know, and we respectfully refer you to him.

Very respectfully,

THE WM. CRAMP & SONS S. AND E. B. CO.
CHAS. H. CRAMP, *President.*

Hon. WILLIAM B. ALLISON,
Chairman Senate Committee on Appropriations, Washington, D. C.

[Inclosure No. 1.]

NAVY DEPARTMENT,
Washington, November 23, 1883.

GENTLEMEN: Referring to the letter to you of this Department of June 16th last, and to recent correspondence, the Department fixes the compensation to be paid you for dockage or wharfage and for the care and protection of the monitor *Terror* at \$8 per day from the date of the launching; this payment to continue until terminated by the Department at an appropriate date after the work of erecting the engines in the vessel has been commenced by you.

Very respectfully,

WILLIAM E. CHANDLER,
Secretary of the Navy.

The WILLIAM CRAMP & SONS SHIP AND ENGINE BUILDING COMPANY,
Philadelphia, Pa.

[Inclosure No. 2.]

NAVY DEPARTMENT,
Washington, February 19, 1885.

GENTLEMEN: Referring to the subject of your compensation for wharfage, etc., of the U. S. monitor *Terror*, I have to inform you that the Department is of the opinion that the per diem allowance of \$8 as fixed by its letter of November 23, 1883, to commence from the date of launching the vessel, should be deemed to have terminated not later than May 16, 1884, being three hundred and thirty-five days from June 15, 1883, the date of your contract. Adding to this eighty-four days for the time which elapsed between the launching of the vessel, March 24, 1883, and the date of the contract, making a total of four hundred and nineteen days, you will be entitled to \$3,352, and on receipt of a bill for that amount instructions will be given for the immediate payment thereof.

Very respectfully,

WILLIAM E. CHANDLER,
Secretary of the Navy.Messrs. WILLIAM CRAMP & SONS,
Philadelphia, Pa.

[Inclosure No. 3.]

BASIN DRY-DOCK AND RAILWAY,
Philadelphia, February 19, 1885.

United States Government to the William Cramp and Sons Ship and Engine Building Company, Dr.

To 419 days wharfage on the U. S. monitor *Terror*, as per letter of Department February 19, 1885, at \$8 per day \$3,352**CLAIM OF THOMAS L. HOFFMAN.**

[Senate Report No. 1549, Fiftieth Congress, second session.]

Mr. SAWYER, from the Committee on Post-Offices and Post-Roads, submitted the following report (to accompany bill S. 2636):

This bill appropriates the sum of \$625 in payment of the claim of Thomas L. Hoffman for the money paid by him for the United States for the rent of the post-office at Fairfield, Iowa.

The history of the claim is thus briefly stated: The claimant was appointed postmaster at Fairfield, Iowa, on the 20th day of December, 1872. On the 16th day of January he took charge of the post-office, which was located in a building occupied by his predecessor, and premises the United States had leased for a term of ten years from and after August 1, 1876. This lease, a copy of which is in the hands of the committee, binds the United States to pay a rental of \$300 per annum and to peaceably and quietly surrender the premises at the end of the lease of ten years.

There is no option to vacate unless the building is destroyed by fire. The contract is not with this claimant nor with his predecessor. It is between the "National Bank Fairfield and the United States of America." By its terms the Government is bound to pay the rent; and it did pay it through its agents, the previous postmaster at Fairfield and this claimant. The lease was signed on the part of the party of the second part by James N. Tyner, Postmaster-General; for the First National Bank by its president, James F. Wilson. The postmaster did not incur any individual or official responsibility; he was not known or recognized in the contract.

In a letter from James H. Marr, Acting First Assistant Postmaster-General, to Postmaster Hoffman, dated March 16, 1883, he officially informs the latter that the allowance for rent is \$300 per annum.

Another letter from the same source to this claimant, dated June 30, 1884, referring to the disallowance of rent for the quarter ending June 30, 1884, says:

"The disallowance was made through a clerical error in the office of the Third Auditor of the Treasury for the Post-Office Department. The matter was called to the attention of the Auditor and he has caused proper credit to be made."

Showing that down to this time the Post-Office Department continued to recognize the obligation imposed by the contract into which it had entered, without any thought of evasion.

The claimant continued to pay the rent, as per contract, until its expiration, July 31, 1886. The amount for which he has not been re-imbursed is stated as follows: Third and fourth quarters of 1884; first, second, third, and fourth quarters of 1885; first and second quarters of 1886, and the month of July, 1886, being the limit of the lease, and amounting to \$625.

The Post-Office Department admits that the lease for the premises was made by the Department for the term of ten years from August, 1876, at the annual rental of \$300; but it holds that the office was then a second-class office; that by the re-adjustment of salaries and classification it became third class, for which no allowance for rent was authorized by law; that the lease was not binding upon the Government, as there was no lawful authority to make it; and the simple effect of this decision is to throw the responsibility of payment of two years and one month of the rent as per lease upon this claimant.

The committee realize that there is no allowance by law for the rent of third-class post-offices; nevertheless the Postmaster-General leased these premises for a term of ten years, not presuming upon a possible extraordinary reduction of revenue that would change the classification. The lessees of the premises were entitled to their rent in law, or equity, or both. For eight years the rent had been paid. This claimant's predecessor did not suffer by being made to assume responsibility that he did not incur. In the opinion of the committee this claimant has done nothing to make him liable for the rent he has paid. The Government leased the premises. If it had the legal right to vacate them it should have done so; but, instead, it has made the payment by this man compulsory.

The bill is reported favorably, with a recommendation that it do pass.

CLAIM OF THOMAS F. GERLS.

[Senate Report No. 2096, Fiftieth Congress, first session.]

Mr. Sawyer, from the Committee on Post-Offices and Post-Roads, submitted the following report (to accompany the amendment of Mr. Stockbridge to the bill H. R. 10896):

This is an amendment intended to be proposed to the bill (H. R. 10896) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1888, and for prior years, and for other purposes, and it appropriates \$400 to re-imburse Thomas F. Gerls for money paid by him for rent of post-office at Pontiac, Mich., from June 30, 1885, to July 1, 1886.

The claimant was postmaster at Pontiac from 1881 to 1888, and during that time the office was second class, except from July 1, 1885, to July 1, 1886. The reduction in letter postage from 3 cents to 2 cents caused the temporary change, but the office recovered its status as of the second class, being soon after it was reduced to the third grade. It could not, however, be restored to the second class, because no readjustment could be made until the end of the year. The Post-Office Department leased the building in which the post-office was located, and which it still occupies, the lease bearing date February 25, 1884, and running four years. In the meantime the Department refused to pay the rent for the year ending June 30, 1886. Mr. Gerls was compelled to do so. He paid it, at the lease rate of \$400, and the receipt of the owner is in the hands of the committee for that amount.

This is the plain and true state of the case, and it exhibits one of the numerous examples with which the committee have to deal, in which, by the effect of the stringent laws regulating the Post-Office Department, burdens are unjustly imposed upon parties who are equally powerless to avoid and bear them. It is unfortunate that the laws governing in such cases are not sufficiently flexible to enable the Department to settle claims manifestly just, as this is, without special legislation. This man has paid \$400 solely for the use and benefit of the Post-Office Department, which has had the exclusive advantage of the expenditure. It has had the use of his money since the 30th of June, 1886, and its restoration is a duty which should not be longer delayed by the only power to which he can appeal.

The amendment is reported favorably, with a recommendation that it be adopted.

EXPERIMENTS IN THE MANUFACTURE OF SUGAR.

[House Ex. Doc. No. 404, Fiftieth Congress, first session.]

Letter from the Secretary of the Treasury, transmitting an estimate from the Commissioner of Agriculture of an appropriation for experiments in the manufacture of sugar for the fiscal years 1887 and 1888.

[JULY 20, 1888.—Referred to the Committee on Agriculture and ordered to be printed.]

TREASURY DEPARTMENT, July 18, 1888.

SIR: I have the honor to transmit herewith, for the consideration of Congress, copy of a communication from the Commissioner of Agriculture of this date, submitting an estimate of deficiency in the appropriation for experiments in the manufacture of sugar for the fiscal years ending June 30, 1887 and 1888, \$8,000.

Respectfully, yours,

C. S. FAIRCHILD,
Secretary.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

U. S. DEPARTMENT OF AGRICULTURE, COMMISSIONER'S OFFICE,
Washington, D. C., July 18, 1888.

SIR: I have the honor to request that you will submit to Congress an estimate for the amount embraced in the following memorandum, providing for certain deficiencies now existing: To pay unsettled accounts against the Department of Agriculture for experiments in the manufacture of sugar for the fiscal years 1887 and 1888, \$8,000, or so much thereof as may be found necessary.

Very respectfully, your obedient servant,

NORMAN J. COLMAN,
Commissioner of Agriculture.

Hon. C. S. FAIRCHILD,
Secretary of the Treasury.

DEPARTMENT OF JUSTICE.

TREASURY DEPARTMENT, FIRST COMPTROLLER'S OFFICE,
Washington, D. C., September 1, 1888.

SIR: Two items have been reported from this office to be included in the estimates for deficiencies, one of \$200 and the other of \$6.72, pertaining to the accounts of Mr. James M. Ewing, late disbursing clerk of the Department of Justice. Mr. Ewing had paid out these amounts under the wrong appropriation, and while allowance has been made to him, it is necessary that the appropriations be made as requested, in order that the appropriations from which the amounts were erroneously paid may be re-imbursed. No money will be drawn from the Treasury, but the accounts will be closed by transfer. I find, upon examination, that the two items were stricken out in the House. Had I anticipated this, I would have given the matter attention while the bill was in the House. I hope that you may be able to have them restored in the Senate. Should you desire further information in regard to the matter, and will drop me a line, it shall be given.

Respectfully, yours,

M. J. DURHAM,
Comptroller.

Hon. W. B. ALLISON,
United States Senate.

TREASURY DEPARTMENT, FIRST COMPTROLLER'S OFFICE,
Washington, D. C., September 1, 1888.

SIR: Referring to the matter of deficiency appropriations in the bill now before your committee (H. R. 10896), I beg to say that in order to include all accounts in

this office to date, the following figures should be substituted for the ones now found under the following appropriations, viz:

Fees of district attorneys:

For payment of regular official fees provided by law for official service of United States district attorneys..... \$37,367.41

For payment of regular official fees provided by law for official services of United States district attorneys, being a deficiency for the fiscal year 1887..... 42,526.28

Fees of commissioners:

For fees of United States commissioners and justices of the peace acting as such commissioners..... 52,498.72

For fees of United States commissioners and justices of the peace acting as such commissioners, being a deficiency for the fiscal year 1887. 19,757.35

An appropriation of \$8,734.26 is provided for "expenses of Territorial courts in Utah, 1887;" but the whole amount thereof in the phraseology it now stands would be confined to the expenses of the penitentiary, whereas there are accounts of attorneys, clerks of courts, and commissioners unpaid to the amount of \$1,281.55. This appropriation, as you are aware, has always been called upon, since it was first made, to bear the cost of the fees of marshals, attorneys, clerks, and commissioners in all prosecutions brought in the name of "The people of the Territory, etc.;" it being the intention that the Territory shall reimburse the United States all amounts so expended. All expenses in prosecutions wherein the United States is plaintiff are, of course, paid from the regular appropriations for expenses of United States courts.

I beg to suggest, therefore, that the appropriation for territorial expenses in Utah, 1887, be raised to \$10,016.81, and that it be put in such terms as will not limit it to the penitentiary. The appropriation, if you so desire, might be made to contain the words "including \$8,734.26 for supplying and caring for the penitentiary in Utah."

Very respectfully,

M. J. DURHAM,
Comptroller.

Hon. W. B. ALLISON,

Chairman Committee on Appropriations, United States Senate.

FEES AND ACCOUNTS OF DISTRICT ATTORNEYS.

[Senate Ex. Doc. No. 266, Fiftieth Congress, first session.]

Letter from the Acting Attorney-General, transmitting lists of certain accounts of United States attorneys remaining unpaid.

[SEPTEMBER 13, 1888.—Referred to the Committee on Appropriations and ordered to be printed.]

DEPARTMENT OF JUSTICE,
Washington, September 11, 1888.

SIR: Inclosed are lists of accounts unpaid in favor of district attorneys for unofficial services for the fiscal years 1886, 1887, and 1888, under section 3, page 109, volume 18, Statutes, and of special assistants to district attorneys under section 833 Revised Statutes, disallowed by the accounting officers of the Treasury under section 3679 Revised Statutes, construed by them to apply to the appropriations for expenses of United States courts so far as to relieve them from the duty imposed upon them by the act of June 14, 1878, section 4, supplement to the Revised Statutes, page 350, chapter 199, the second paragraph of which makes it their duty "to receive, examine, and consider the justice and validity of all claims under appropriations, the balances of which have been exhausted or carried to the surplus fund, under the provisions" of section 5 of the act June 20, 1874, "that may be brought before them within a period of five years," and the third paragraph of which directs the Secretary of the Treasury to "report the amount due to each claimant at the commencement of each session to the Speaker of the House of Representatives, who shall lay the same before Congress for consideration."

The construction heretofore placed by the Department and the accounting officers of the Treasury upon section 3679 Revised Statutes limited the application of the section directly to appropriations made for Department expenses in the District of Columbia, and not to expenses of a general nature made for other purposes than those of a Department. Attention is called to the fact that the appropriations for pay of

district attorneys and pay of assistant attorneys are not made for a Department, but are appropriated as "the expenses of United States courts" for each fiscal year.

The following accounts are disallowances made by the First Auditor of the Treasury with the consent of the First Comptroller of the Treasury, for which appropriations are respectfully requested:

Fees of district attorneys, United States courts, 1886.—Accounts of district attorneys for unofficial services.

Name of claimant.	District.	Amount.
A. Sterling, jr. (services relative to title to Hawkins Point light-house, at request of Secretary of the Treasury). Exhibit A.	Maryland.....	\$250. 00
Thomas Smith (services rendered in case of United States vs. The Cañon del Agua Company). Exhibit B.	New Mexico.....	100. 00
Total		350. 00

Fees of district attorneys, United States courts, 1887.—Accounts of district attorneys for unofficial services.

J. T. Carey (services rendered in Chinese habeas corpus cases during second quarter, 1887). Exhibit C.	Northern California ...	\$2,500. 00
G. N. Baxter (services rendered in the case of Beaulien vs. Sheehan, the United States being a party in interest). Exhibit D.	Minnesota	150. 00
Thomas Smith (services rendered in the case of the Pueblo di Acoma vs. Joseph E. Saint et al., the United States being a party in interest). Exhibit B.	New Mexico.....	25. 00
Thomas Smith (services rendered in the case of the United States vs. The Cañon del Agua Company). Exhibit B.do	100. 00
Charles Parlange (services rendered in the case of the rule for contempt taken against the United States marshal by the United States supervisor of elections). Exhibit E.	Eastern Louisiana.....	80. 00
O. T. Rouse (services rendered in case of Berger vs. Wheeler). Exhibit F.	Arizona	150. 00
Total		3,005. 00

Fees of district attorneys, United States courts, 1888.—Accounts of district attorneys for unofficial services.

W. G. Ewing (services rendered in matter of arrest and return to Utah of Ah Gung). Exhibit G.	Northern Illinois	\$298. 30
G. Van Hoorebeke (services rendered in case of The People of the State of Illinois vs. Samuel Edwards). Exhibit H.	Southern Illinois	100. 00
Total		398. 30

Accounts approved by the Attorney-General, but disallowed under section 3679 Revised Statutes.—Fees of district attorneys, United States courts, 1886.—Accounts of assistant attorneys.

C. F. Ware (appointed May 19, 1883, in case of United States vs. M. M. McElroy; compensation to be determined upon completion of service). Exhibit I.	Kansas	\$635. 95
A. L. Rhodes (appointed August 16, 1884, in Mare Island and similar cases; compensation to be determined, but not to exceed \$6,000). Exhibit J.	Northern California....	1,000. 00
A. J. Fountain (appointed March 3, 1886, in case vs. Terence Muller et al.; compensation to be determined, etc.). Exhibit K.	New Mexico.....	1,200. 00
G. W. Patton (appointed regular assistant December 30, 1882; compensation \$500 per annum). Exhibit L.	West Virginia.....	225. 00
William Phillips (appointed January 8, 1886, in suit on bond of ex-Marshal Fitzsimons; compensation not to exceed \$500). Exhibit M.	Northern Georgia.....	100. 00
C. A. Hanford (appointed regular assistant October 1, 1880; compensation same fees as attorney). Exhibit N.	Washington Territory..	73. 14
Wesley W. Hyde (appointed regular assistant January 17, 1882; compensation same fees as attorney). Exhibit O.	Western Michigan.....	250. 00

Fees of district attorneys, United States courts, 1887.—Accounts of assistant attorneys.

Name of claimant.	District.	Amount.
A. L. Rhodes (appointed August 16, 1884, in Mare Island and similar cases; compensation to be determined, but not to exceed \$6,000). Exhibit J.	Northern California	\$2,000.00
A. J. Fountain (appointed April 13, 1886, in land fraud cases; compensation to be determined, etc.). Exhibit K.	New Mexico	600.00
G. W. Patton (appointed regular assistant December 30, 1882; compensation \$300 per annum). Exhibit L.	West Virginia	27.75
William Phillips (appointed January 8, 1886, in suit on bond of ex-Marshal Fitzsimons; compensation not to exceed \$500). Exhibit M.	Northern Georgia	400.00
Thomas H. Franklin (appointed February 23, 1887, in Washington County election cases; compensation to be determined, etc.). Exhibit P.	Western Texas	500.00
H. T. Taggart (appointed December 15, 1886, in suit to establish title to Potomac Flats; compensation to be determined, etc.). Exhibit Q.	District of Columbia	1,500.00
		5,027.75

Inclosed are copies of the directions to district attorneys to attend to the unofficial duties and correspondence relating thereto, showing the services rendered, with similar exhibits respecting the accounts of the assistant attorneys. Besides the above referred to the Treasury, there are accounts of United States attorneys for unofficial services waiting an appropriation not reported to Congress as follows:

Name of claimant.	District.	Amount.
W. G. Ewing (services relative to the Lake Front at Chicago, Ill., claimed and used by a local railroad; \$1,000 payable 1887; \$3,077.50 payable, fees, 1888).	Northern Illinois	\$4,077.50
G. N. Baxter (for services in the case of the United States against Ann Olsen, before Crookston land office).	Minnesota	40.00
Joseph Boone (special assistant in prosecutions for perjury and subornation to perjury against Hopewell, Kohler, Emery, Johnson, Foster, Breret, <i>et al.</i>).	New Mexico	300.00
G. J. Denis (services rendered to the Department of Justice in securing the same rates to the Government in keeping its prisoners that the State of California pays).	Southern California	175.00
R. Kleberg (services in <i>Salemas et al.</i> against Kellogg, involving the title to Fort Brown).	Western Texas	100.00
A. C. Campbell, United States attorney (services in Goshon Hole cases before land office at Cheyenne).	Wyoming	60.00

RECAPITULATION.

Fees of attorneys, 1886:		
Attorneys	\$350.00	
Assistants	3,484.07	
		\$3,834.07
Fees of attorneys, 1887:		
Attorneys	4,005.00	
Assistants	5,027.75	
		9,032.75
Fees of attorneys, 1888		3,675.80
Pay of assistant attorneys, 1888		475.00

These appropriations are in addition to the deficiencies heretofore applied for.
Very respectfully,

G. A. JENKS,
Acting Attorney-General.

The PRESIDENT OF THE SENATE.

JUDGMENT OF COURT OF CLAIMS.

[Senate Ex. Doc. No. 267, Fiftieth Congress, first session.]

Letter from the Secretary of the Treasury, transmitting an additional judgment of the Court of Claims in favor of Sarah M. Burge.

[SEPTEMBER 13, 1888.—Referred to the Committee on Appropriations and ordered to be printed.]

TREASURY DEPARTMENT, *September 12, 1888.*

SIR: I have the honor to transmit herewith an additional judgment of the Court of Claims, rendered during the present term of said court, in favor of Sarah M. Burge, administratrix of Young Burge, deceased, for the sum of \$576.99.

This case has not heretofore been presented to Congress, and should be provided for with the judgments of the court already embodied in the deficiency bill.

Respectfully, yours,

C. S. FAIRCHILD,
*Secretary.*The PRESIDENT PRO TEMPORE,
*United States Senate.**Judgment of the Court of Claims.*

Number.	Claimant.	Date.	Amount.
12887	Sarah M. Burge, administratrix of Young Burge, deceased	June 11, 1888	\$576.99

CLAIMS ALLOWED BY FOURTH AUDITOR.

[Senate Ex. Doc. No. 269, Fiftieth Congress, first session.]

Letter from the Acting Secretary of the Treasury, transmitting three claims allowed by the Fourth Auditor.

[SEPTEMBER 17, 1888.—Referred to the Committee on Appropriations and ordered to be printed.]

TREASURY DEPARTMENT,
September 15, 1888.

SIR: I have the honor to transmit herewith for the consideration of Congress three claims allowed by the Fourth Auditor and Second Comptroller, amounting to \$4,445.81, which were inadvertently omitted from the list of claims forwarded to Congress on the 3d instant, in compliance with the resolution of the Senate of the 28th ultimo, and contained in Senate Executive Document No. 255.

A copy of the letter of the Fourth Auditor upon the subject is inclosed herewith.

Respectfully, yours,

HUGH S. THOMPSON,
*Acting Secretary.*The PRESIDENT PRO TEMPORE,
*United States Senate.*TREASURY DEPARTMENT,
FOURTH AUDITOR'S OFFICE,
Washington, D. C., September 15, 1888.

SIR: I have the honor to submit herewith a statement of balances certified by the Second Comptroller, and inadvertently omitted in the list of claims transmitted to you on the 1st instant. Two of the claims were settled in June and the other in July;

and I would therefore suggest that the Committee on Appropriations of the Senate be requested to consider them in the deficiency bill now before that committee:

No. of certificate or claim.	Name of claimant.	Appropriations from which payable.	Fiscal year in which the expenditure was incurred.	Amount.
9	W. W. Queen	Pay of the Navy prior to July 1, 1886	1870-1877	\$2, 791. 79
336	C. T. Hibbett	do	1880	464. 38
27	James Hoy	do	1876-1879	901. 64
	Total			4, 157. 81
9	W. W. Queen	Provisions, Navy, 1886 and prior years	1870-1874	288. 00

Recapitulation of claims allowed by the Fourth Auditor and Second Comptroller.

Pay of the Navy, prior to July 1, 1886	\$4, 157. 81
Provisions, Navy, 1886 and prior years	288. 00
	4, 445. 81

Very respectfully,

C. M. SHELLEY,
Auditor.

Hon. C. S. FAIRCHILD,
Secretary of the Treasury.

TREASURY DEPARTMENT, *September 14, 1888.*

SIR: In reply to the telegram of the Senate Committee on Appropriations of yesterday, asking for information as to the statute under which the claims for pay of the Navy have been allowed, as certified on pages 33-39, Senate Ex. Doc. No. 255, the amounts thus far audited, and the probable amounts in the claims now pending, I have the honor to inclose copy of the report of the Fourth Auditor giving the desired information.

Respectfully, yours,

C. S. FAIRCHILD,
Secretary.

Hon. WILLIAM B. ALLISON,
Chairman Committee on Appropriations, United States Senate.

TREASURY DEPARTMENT, FOURTH AUDITOR'S OFFICE,
Washington, D. C., September 13, 1888.

SIR: I have the honor to return herewith the telegram from Mr. Thomas P. Cleaves, and in reply will state that most of the claims certified on pages 33 to 39, Senate Ex. Doc. No. 255, first session Fiftieth Congress, were allowed under a clause in the Navy appropriation act of March 3, 1883 (22 Stat., 473), as construed by the Supreme Court in the cases of Rockwell (120 U. S. R., 60), Mullan (123 U. S. R., 186), and Baker (125 U. S. R., 646).

A large number were also allowed under decisions of the Supreme Court in the cases of Symonds (120 U. S. R., 46) and Strong (125 U. S. R., 656).

It is impracticable to estimate accurately the amount that will be required to pay the claims arising under the above-mentioned law and decisions, but, judging from those that have been already settled, I think it safe to assume that it will require about \$300,000 to pay those now pending.

The list also includes a small number of claims for balance due persons who were in the Navy at the time of death, for amounts due to officers, for difference of pay arising on account of a difference in the character of their duties, to enlisted men for balances to which they were entitled by law or regulation and not paid by the disbursing officers at the time the amounts became due; and the appropriations from which they were payable have since been exhausted or turned into the Treasury.

Very respectfully,

C. M. SHELLEY,
Auditor.

Hon. C. S. FAIRCHILD,
Secretary of the Treasury.

S. Rep. 2257—3