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Deficiency appropriation bill.

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DEFICIENCY APPROPRIATION BILL.

JUNE 22, 1897.—Ordered to be printed.

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

REPORT.

[To accompany H. R. 13.]

The Committee on Appropriations, to whom was referred the bill (H. R. 13) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1897, and for prior years, and for other purposes, report the same to the Senate with amendments, with a statement showing the amount of the bill as passed the House of Representatives and the amount as reported to the Senate, with the items of increase and reduction recommended therein.

DEFICIENCY APPROPRIATIONS, 1897 AND PRIOR YEARS.

Amount of House bill.....	\$8, 166, 214. 74
Reduction recommended by the committee (net).....	354, 749. 16

Amount as reported to the Senate.....	7, 811, 465. 58
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The items of increase and reduction recommended by the committee are as follows:

INCREASE.

Editing and distributing laws, Fifty-fifth Congress, first session	\$3, 000. 00
International Exposition at Brussels.....	5, 000. 00
International Exposition at Paris	25, 000. 00
Relief of a subject of Germany.....	3, 000. 00
Foreign intercourse expenses.....	34, 953. 06
Treasury Department and independent treasury contingent expenses..	1, 498. 81
Walter H. Graef & Co., reimbursement of	943. 65
Collecting internal revenue.....	50, 000. 00
Examination of books and accounts of subtreasuries.....	1, 000. 00
Bridgeport, Conn., public building.....	100, 000. 00
Evansville, Ind., marine hospital.....	6, 000. 00
Heating apparatus and vaults, safes, and locks, public buildings.....	3, 300. 00
Revenue-Cutter Service	76. 14
Freight on bullion and coin	7, 000. 00
Alaska, additional commissioners and deputy marshals	6, 880. 00
San Marcos, Tex., fish hatchery	300. 00
Manchester, Iowa, fish hatchery	4, 216. 50
Georgia fish hatchery	500. 00

District of Columbia	\$38,328.69
Payment of judgments on account of Sixteenth street	145,747.35
Payment of award for opening North Capitol street	21,078.00
Executive Mansion, elevator	4,000.00
Army, pay of enlisted men	10,000.00
Antietam, battle lines, etc., at	1,100.00
Officer in charge of public buildings and grounds, Washington, D. C. . .	1,228.90
Naval Establishment, general account of advances	255,367.13
Navy, pay, miscellaneous	40,000.00
Dry dock, Brooklyn, N. Y.	100,000.00
Bureau of Equipment, Navy, contingent expenses	3,000.00
Interior Department, contingent expenses	1,157.09
General Land Office, preserving records	1,000.00
Elevator, Senate wing of Capitol	6,500.00
Capitol Grounds, paving roadways	14,000.00
Capitol and grounds, lighting	3,110.15
Geological Survey, audited accounts	93.75
Indian Territory, surveying lands	8,000.00
Public Lands, audited accounts	784.11
Carlisle Indian school	1,800.00
Indian Service, audited accounts	7,484.92
Department of Justice, private secretary to Attorney-General	2,400.00
Department of Justice, miscellaneous expenses	1,300.00
Alaska, traveling expenses in	357.50
Special attorneys, payments to	25,800.00
Indian Territory, additional judge	5,000.00
Indian Territory, payment to clerk of court in	947.00
United States courts, audited accounts	16,802.40
Witnesses, fees of	50,000.00
Post-Office Department, audited accounts	1,933.14
Printing, State Department	10,000.00
Government Printing Office, fire engine, etc.	35,000.00
Government Printing Office, library	2,500.00
Senate	32,256.15
House of Representatives	19,887.60
Executive Office, contingent expenses	1,000.00
Judgments, United States courts	7,789.81
Judgments, Court of Claims	159,901.35
Judgments, Indian deprecation cases	13,722.15
Audited claims, section 4	37,453.97
Total increase	1,340,799.32

REDUCTION.

Collecting revenue from customs	1,150,000.00
Additional employees, Treasurer's Office	3,125.70
Recoinage of uncurrent fractional silver coins	100,000.00
Suppressing counterfeiting and other crimes	5,000.00
International exchanges, Smithsonian Institution	177.21
Force for fire engine at Mount Pleasant, District of Columbia	2,850.20
Fuel for public schools, District of Columbia	5,000.00
Fees of witnesses, District of Columbia	1,000.00
Stationery and other expenses at pension agencies	4,000.00
Compensation of commissioners, mineral lands in Montana and Idaho ..	2,500.00
Defense in Indian deprecation claims	2,000.00
Expenses of Congress of the Universal Postal Union	50,000.00
Public printing and binding	175,000.00
Printing and binding for Navy Department	2,000.00
Printing and binding for Interior Department	20,000.00
Printing and binding for Department of Justice	3,000.00
Miscellaneous items, etc., House of Representatives	20,000.00
Stationery for Members, House of Representatives	250.00
Materials for folding, House of Representatives	3,000.00
Clerk hire for Members, House of Representatives	140,518.80
Pay of Marine Corps, audited claim withdrawn	327.07
Payment to certain employees, House of Representatives	5,799.50
Total reduction	1,695,548.48
Net reduction	354,749.16

INTERNATIONAL EXPOSITION AT PARIS.

DEPARTMENT OF STATE,
Washington, March 22, 1897.

SIR: I have the honor to invite your attention to the following item:

"International Exposition at Paris in 1900: To enable the Government of the United States to accept the invitation of the Republic of France to participate in an international exposition to be held at Paris commencing April 15 and closing November 5, 1900, submitted: \$350,000." (See Estimates of Appropriations, House Document No. 12, Fifty-fourth Congress, second session, p. 92.)

As explanatory of this item my predecessor in his letter to the Secretary of the Treasury of October 28, 1896 (Estimates, pp. 304-305), made the following observation:

"International Exposition at Paris in 1900: In connection with the item of \$350,000 submitted for the purpose of formally accepting the courteous invitation of the French Republic to take part in the International Exposition at Paris in 1900 and insuring our creditable representation therein, I inclose a copy of the French ambassador's note of October 8, 1895, extending the invitation and outlining the character of the proposed exposition.

"I also wish to direct attention to the joint resolution of Congress approved May 10, 1888 (U. S. Stat. L., vol. 25, p. 620), authorizing this Government to accept a similar invitation, and appropriating the sum of \$250,000 with which to defray all necessary expenses incident to our representation.

"The sum now asked is an increase over that granted in 1888, just as the amount provided for a like object by the joint resolution approved December 15, 1877 (U. S. Stat. L., vol. 20, p. 245), was greater than that appropriated in 1877. The sum appropriated in 1877 was \$150,000; that of 1888, \$250,000, thus showing that with our increased growth a larger amount was deemed necessary to insure a proper and creditable display.

"In view of the magnitude and importance of the approaching exposition, and of our standing and resources among nations, together with our increased population and progress in science and manufacture since 1888, it is believed that \$350,000 is not too large a sum to insure a fitting and creditable representation on the part of this Government at Paris in 1900. Moreover, the magnificent exhibit of the French Government at Chicago in 1893 should act as a strong incentive in this matter and suggest to our people that theirs fall not short of it at Paris in 1900. I strongly urge, therefore, the appropriations specified."

Since this item has not been included in any one of the appropriation acts so far approved by the President, I have to request that provision be made for the participation of this Government in the approaching Paris Exposition, during the present extra session, in some one of the pending bills or in such way as Congress may think most convenient. A great many details are necessary after the appropriation has been made, and the President should have sufficient time to consider these and select the commissioner-general and other officers who will be charged with carrying out the directions of Congress in this respect.

Respectfully, yours,

JOHN SHERMAN.

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

SIXTEENTH STREET EXTENDED.

In the supreme court of the District of Columbia. In re subdivision known as Dennison and Leighton subdivision of a part of Mount Pleasant and Pleasant Plains. No. 419. District court.

Pursuant to the mandate of the court of appeals of the District of Columbia filed in this court on the 14th day of June, 1897, it is this 19th day of June, 1897, adjudged, ordered, and decreed that the judgment of this court bearing date the 1st day of June, 1896, and made pursuant to a mandate of said court of appeals, be, and the same is hereby, vacated, set aside, and for naught held.

And upon due consideration of the verdict of the jury in this case, and of the several motions to set aside said verdict and grant a new trial, it is further adjudged, ordered, and decreed that the said verdict be, and is hereby, ratified and confirmed as to all of the following lots and parts of lots, to wit:

- Lot No. 122, Columbia road, book 7, page 133, surveyor's office.
- Lot No. 123, Columbia road, book 7, page 133, surveyor's office.
- Lot No. 124, Columbia road, book 7, page 133, surveyor's office.
- Lot No. 125, Columbia road, book 7, page 133, surveyor's office.
- Lot No. 126, Columbia road, book 7, page 133, surveyor's office.
- Lot No. 127, Columbia road, book 7, page 133, surveyor's office.

Lot No. 56.
 Lot No. 57.
 Lot No. 59.
 Lot No. 113.
 Lot No. 60.
 Lot No. 121, Kenesaw avenue, book 7, page 23, surveyor's office.
 Lot No. 122, Kenesaw avenue, book 8, page 30, surveyor's office.
 Lot No. 102.
 Lot No. 65.
 Lot No. 58.

And a permanent right of way for the public over said several lots and parts of lots taken for a street, as indicated on the plat filed with the petition in this case, is hereby adjudged to be condemned in accordance with the prayers of said petition.

And it is further adjudged, ordered, and decreed that there is due to the respective owners of said lots and parts of lots and buildings thereon condemned as aforesaid, as compensation therefor, according to the verdict of the said jury, the following sums of money, to wit:

For lot No. 122, Columbia road, book 7, page 133, surveyor's office.....	\$6, 872. 32
For lot No. 123, Columbia road, book 7, page 133, surveyor's office.....	11, 643. 50
For lot No. 124, Columbia road, book 7, page 133, surveyor's office.....	2, 500. 00
For lot No. 125, Columbia road, book 7, page 133, surveyor's office.....	2, 500. 00
For lot No. 126, Columbia road, book 7, page 133, surveyor's office.....	2, 208. 50
For lot No. 127, Columbia road, book 7, page 133, surveyor's office.....	13, 504. 00
For lot No. 56.....	6, 369. 68
For lot No. 57.....	5, 207. 65
For lot No. 59.....	4, 425. 05
For lot No. 113.....	4, 575. 66
For lot No. 60.....	3, 592. 35
For lot No. 121, Kenesaw avenue, book 7, page 23, surveyor's office.....	17, 775. 00
For lot No. 122, Kenesaw avenue, book 8, page 30, surveyor's office.....	14, 548. 88
For lot No. 102.....	20, 701. 25
For lot No. 65.....	13, 693. 60
For lot No. 58.....	8, 074. 62

And it is further ordered, adjudged, and decreed that said verdict, so far as it determined the damages to the lots and parts of lots by reason of the abandonment of a previously existing highway, be, and the same is hereby, ratified and confirmed; and it is adjudged, ordered, and decreed that there is now due and payable to the respective owners of lots and parts of lots so damaged, as compensation therefor, according to the verdict of said jury, the following sums of money, to wit:

To the owner or owners of lot No. 50.....	\$3, 201. 75
To the owner of the south part of lot No. 53.....	608. 85
To the owner of the west part of lot 47 and north 10 feet of lots 148 to 152, inclusive.....	3, 144. 69
To the owner of lot 72.....	600. 00

And in respect to all other lots and parts of lots in the said verdict of the jury in this case mentioned it is adjudged, ordered, and decreed that said verdict be, and the same is hereby, set aside and vacated, and a new trial is hereby granted in respect thereto.

And it is further adjudged, ordered, and decreed that that part of the verdict of the jury in this case which assessed against the lots and parts of lots in said subdivision their proportional parts of the sum of \$126,736.27 pursuant to section 15 of the act of Congress under which the proceedings in this case are had, and designated as schedule 3, be, and the same is hereby, vacated, set aside, and for nothing held.

W. S. COX, J.

A true copy. Test:

[SEAL.]

J. R. YOUNG, *Clerk*,
 By R. J. MEIGS, Jr., *Assistant Clerk*.

SURVEYS IN INDIAN TERRITORY.

TREASURY DEPARTMENT, April 20, 1897.

SIR: I have the honor to transmit herewith, for the information of the Senate Committee on Appropriations, copy of a communication from the Secretary of the Interior of this date, submitting an estimate of deficiency in the appropriation for surveying lands in the Indian Territory for the service of the current fiscal year, \$8,000.

Respectfully, yours,

L. J. GAGE, *Secretary*.

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

DEPARTMENT OF THE INTERIOR,
Washington, April 20, 1897.

SIR: I have the honor to transmit herewith, for the appropriate action of Congress, a deficiency estimate of \$8,000 for surveying the public lands in the Indian Territory under the direction of the Director of the Geological Survey. The Director states that the balance of the appropriation of \$200,000, act of June 10, 1896, became exhausted April 15, 1897, and that the appropriation of \$100,000, provided in the Indian bill for the fiscal year 1898, can only be available for the work of the survey from and after the approval of the act. The amount herein requested to be appropriated is to supply the deficiency in the expenditures for field work in the Indian Territory between April 15 and the time when the appropriation in the Indian bill, now being considered by Congress, becomes available.

The estimate of the Director of the Geological Survey is approved.

Respectfully,

C. N. BLISS, *Secretary.*

The SECRETARY OF THE TREASURY.

FORESTED LANDS.

DEPARTMENT OF THE INTERIOR,
Washington, June, 1897.

SIR: Of the appropriation made to meet the expenses of an investigation and report by the National Academy of Sciences on the inauguration of a national forestry policy for the forested lands of the United States (sundry civil act, approved June 11, 1896, 29 Stats., p. 432), there remains an unexpended balance of about \$18,000. I desire to make further investigations for the purpose of securing more detailed information in relation to some of the reserves, and would like to have authority given for the use of the unexpended balance for that purpose.

The committee appointed by the National Academy of Sciences has transmitted its final report. Provision is made in the sundry civil act, approved June 4, 1897, for the survey of forest reserves, but not for such further examination as I wish made in regard to the inauguration of a national forestry policy.

In order to meet the expenses incidental to such an examination, I submit herewith draft of an item which I have the honor to recommend may be incorporated in the deficiency bill now being considered by your committee.

Respectfully,

C. N. BLISS, *Secretary.*

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

PAYMENT TO HUGH T. TAGGART.

[Senate Document No. 158, Fifty-fourth Congress, second session.]

TREASURY DEPARTMENT, February 26, 1897.

SIR: I have the honor to transmit herewith, for the consideration of Congress, copy of a communication from the Attorney-General, of the 25th instant, requesting that an appropriation of \$25,500 be included in the pending deficiency bill for payment to Hugh T. Taggart for services performed under appointment by the Department of Justice.

Respectfully, yours,

W. E. CURTIS,
Acting Secretary.

The PRESIDENT OF THE SENATE.

DEPARTMENT OF JUSTICE,
Washington, D. C., February 25, 1897.

SIR: I have the honor to request that an appropriation of \$25,500 be included in the pending deficiency bill before Congress for the payment to Hugh T. Taggart of an account for services performed under appointment by this Department.

Respectfully,

JUDSON HARMON, *Attorney-General.*

The SECRETARY OF THE TREASURY,
Washington, D. C.

DEPARTMENT OF JUSTICE,
Washington, D. C., February 25, 1897.

SIR: I have the honor to inclose herewith copy of a communication I have this day sent to the Secretary of the Treasury for transmission to Congress, requesting an appropriation of \$25,500 in payment for services rendered by Mr. Hugh T. Taggart as special assistant attorney, under appointment by the Attorney-General, in addition to any other amounts that have been received by him.

This request for the appropriation above-named requires certain explanations:

Prior to the year 1890 Mr. Taggart had received several appointments as special assistant attorney to take charge of important cases pending in the supreme court of the District of Columbia, one of which was that known as the Potomac Flats case. In the year 1890 Attorney-General Miller, when considering the question of compensation on bills that had been presented by Mr. Taggart under his several appointments, after a full investigation of the matter, agreed that Mr. Taggart should receive for all services performed by him in cases in which he had formerly been employed or which might be assigned to him thereafter, the annual compensation of \$6,000. In the following year Mr. Coyle, one of the assistants employed under the peculiar provisions relating to the attorney's office in the District of Columbia, died, and at the request of the then United States attorney, Mr. Hoge, Mr. Taggart agreed, for the sum of \$3,000 per annum, to take charge of such additional matters as might be assigned to him by the district attorney, it being understood that this \$3,000 should be a part compensation of the \$6,000 theretofore agreed upon. Since that time Mr. Taggart has received only \$3,000 per annum. He presented recently an account for his services under the arrangement above cited for \$25,500, which I have approved. There appears to be some doubt as to whether or not this claim can be allowed by the Treasury Department without special legislation, and in order to remove that doubt I earnestly request that the appropriation above named be made. I have carefully gone over the merits of Mr. Taggart's claim and believe that he should receive the \$25,500 for which I have approved his account.

As the Potomac Flats case, which is the only one left of the cases in which Mr. Taggart has been engaged, is now on appeal to the Supreme Court of the United States from the decree of the court below, which was in favor of the Government upon all points, Mr. Taggart has been appointed by me as a special assistant to the Attorney-General to take charge of this case in the Supreme Court, his compensation to be hereafter determined.

The Potomac Flats case, referred to herein, is one that involves many millions of dollars.

I inclose herewith for your information a copy of a letter written by Judge Cole, of the supreme court of the District of Columbia, who was formerly United States attorney.

Respectfully,

JUDSON HARMON,
Attorney-General.

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

WASHINGTON, D. C., January 23, 1897.

SIR. I have the honor to acknowledge the receipt of my appointment as a special assistant to the Attorney-General in the matter of the suit instituted by the United States in the supreme court of the District of Columbia, under the act of Congress in that behalf, for the purpose of establishing and making clear the title of the said United States to the land and water included within the improvement of the Potomac River and its flats, and which suit is now pending in the Supreme Court of the United States upon appeals from the decree rendered by the court below in favor of the United States.

In reference to the matter of my compensation for services rendered, under my appointment as a special assistant to the attorney of the United States for the District of Columbia in conducting the case on the part of the Government in the court below, I beg leave, in accordance with your directions in the premises, to submit the following statement. From this statement it will appear that the matter of my compensation in this suit is included in a fixed annual compensation for services rendered in it and in other cases and matters in which the United States were concerned.

After my appointment in the above case, other cases arose in which the rights and interests of the Government were involved; one of these was a suit for an injunction to restrain the Baltimore and Potomac Railroad Company from interfering with the officers and workmen of the United States in the making of excavations and the construction of abutments for the bridge across the Anacostia River at the foot

of Pennsylvania and Kentucky avenues; another was a condemnation proceeding instituted against the Chesapeake and Ohio Canal Company for the acquisition by the United States for bridge purposes of title to the northern abutment of the former aqueduct over the Potomac River at Georgetown. In these cases I was given a similar appointment, and the several appointments in each and all of the cases recited that my compensation should be determined at the close of my services.

Under date of January 27, 1890, I rendered a bill of \$7,500 for services in the suit in regard to the flats, covering the period from June 28, 1889, to that date; this included the whole of the fiscal year ending June 30, 1889, and a part of the fiscal year ending June 30, 1890; I also rendered at this time another bill of \$2,000 for services in the condemnation proceeding against the canal company. These bills were considered and approved by Mr. Hoge, then district attorney, and by Mr. Worthington, his predecessor in office.

In respect of these bills, the Attorney-General wrote the district attorney, under date of February 20, 1890 (H. H. 2697-86), suggesting that a consultation be had between himself, the district attorney, and myself; in this letter the Attorney-General stated his desire "to fix a satisfactory sum for the annual compensation of Mr. Taggart in all cases in which he is employed in attending to the interests of the Government."

When my attention was called by the district attorney to this letter, I called upon Mr. Hodges, the law clerk of the Department, with a view to ascertaining when it would be convenient for the Attorney-General to receive the district attorney and myself. Finding that Mr. Hodges was conversant with the views of the Attorney-General, the proposed interview with the latter and its object became a matter of conversation between Mr. Hodges and myself, and it will be sufficient perhaps to state, without going into details, that after a discussion of the matter the sum of \$6,000 per annum was, with my consent, fixed upon as my annual compensation for services in all matters which might be referred to me, and I further agreed that this rate should apply to the pending bills.

The arrangement resulted in a loss to me of \$2,000, the amount of the bill in the condemnation case against the canal company, and of a specific compensation for some other matters which were then unadjusted. I consented to this arrangement, and to the loss it then entailed, because of my own desire that an annual compensation should be fixed and the necessity thus obviated of rendering specific bills in each case.

I was paid \$6,000 for services during the fiscal year ending June 30, 1889, under this arrangement, and the further sum of \$1,500 for a portion of the fiscal year ending June 30, 1890. I have since received no compensation under it, except as will be presently explained.

Under the arrangement a variety of matters have been referred to me and attended to (in addition, of course, to the suit in regard to the flats), among which may be mentioned:

The condemnation proceedings for the acquisition of ground in square 231, for an addition to the Bureau of Engraving and Printing. This case (No. 349, District court docket), when I took charge of it on behalf of the Government, after the death of Mr. Coyle, was pending upon exceptions taken by the Government to what was considered an excessive award or valuation of the land by the auditor. I was informed that the necessity for an immediate acquisition of title by the United States was urgent, and upon an examination of the testimony in the record, I concluded that the chances upon a rehearing of lessening the award were slender, especially as further information indicated that there had been a considerable appreciation in the value of the land during the pendency of the proceedings. Leave was thereupon asked of the Attorney-General to withdraw the exceptions, and move the confirmation of the auditor's report. The permission being granted, this was done. The proposed action was vigorously resisted by counsel for the owner of the land, who desired a new inquisition, and the court below, after argument, denied the motion to confirm and set aside the award. From this action the Government appealed to the general term of the court, where the case was again argued and the action of the court below reversed and the award confirmed.

Examinations of and reports upon the titles to the various tracts of land embraced within the limits of the Zoological Park, claimed by Heman D. Walbridge, J. Pierce Klinge, Pacificus Ord, Henry Holt, Anna E. I. Evans, Hayden Caney, Finley and Dunn, Union Benevolent Association, Waggaman and Ridout, trustees, and J. L. Kervand, and the preparation of deeds in nearly all of these cases. In a few of them payments were made into court upon reports made by me showing conflicts of lines or defects in titles. These lands aggregated in value upward of \$170,000. Also examinations of and reports upon the title to certain property in square 689, purchased from General Butler; to certain other property in the same square, occupied by the Coast Survey; to certain property in square 632 (Maltby House), purchased from Ellen Lane; and certain other property in the same square, purchased from

Henry Hurt, and preparation of deeds to the United States for the same. In the acquisition of these properties the Government expended \$668,000.

The condemnation proceedings for the acquisition of square No. 323 (No. 361, District Court Docket). I took charge of this case after the appointment of the commission to appraise values; attended the sittings of the commission; cross-examined the witnesses produced and examined on behalf of the owners of the various parcels of land in the square on the question of values; examined the witnesses for the United States; made arguments upon the evidence; prepared the form of the report of the committee, and obtained the confirmation of said report; examined the title to every parcel of land in the square; prepared deeds to the United States where the titles were good, and prepared petitions for leave to pay the award into court where the title was subject to objection, and obtained the passage of orders vesting the title in the United States. The values of the parcels of land acquired, aggregated upward of \$650,000. Colonel Cole, who became district attorney during the pendency of these proceedings had been counsel for some of the property owners, and from motives of delicacy, as will appear from his letter to the Attorney-General, refrained from taking any action in the case on behalf of the Government.

Examinations of title to and reports upon the interests of the United States in square north of square 1053, and certain lots in square 990, in square 959, in square 996, in square 1113, and in square 1041; and also examinations of and reports upon the title to part of Oxon Hill Manor, acquired for the use of the Government Asylum for the Insane, and upon the title to one-half of square 678, which was originally selected as the site for the proposed new Government Printing Office; and also examinations of and reports upon the titles to certain parcels of land in the Rock Creek Park claimed by Bell, Cowden, Warder, Cameron, Cissel, Gray, and others, which were acquired by agreement between the owners and the park commission; also the preparation of deeds of conveyance to the United States of these lands, etc. The aggregate payments by the United States for these lands was upward of \$230,000.

It became necessary for the Rock Creek Park Commission to institute proceedings for the acquisition by condemnation, of the residue of the land in the park; after the appointment of the commission to appraise values, a great deal of testimony was taken on behalf of the owners of certain tracts to prove the existence of mines of gold upon them, and that by reason of such mines said tracts had an added and greatly increased value, amounting, according to the testimony of some of the witnesses, to \$200,000. I suggested to the counsel then representing the Government in the suit a point which would, if sustained, exclude all this evidence upon the ground of title in the United States to the alleged mines. It was obviously of importance to remove the question from the consideration of the appraisers, if possible, and I was directed to give the matter attention. I procured the evidence upon which to base a motion to exclude; the motion was made, and after argument by the district attorney and myself on behalf of the United States, and by counsel for the land owners affected, the motion was granted.

A motion for a rehearing on the part of the land owners on the ground of newly discovered evidence was also denied by the court, after argument, and appeals were taken from this and other rulings of the court in the case. I prepared the briefs for the Government on these arguments in the court below, and also prepared that portion of the brief of counsel for the Government in the Supreme Court of the United States which related to this branch of the case. The opinions of Mr. Justice Cox disposing of the question in the court below were adopted by the Supreme Court as a satisfactory treatment of it. (See *Shoemaker v. The United States*, 147 U. S., pp. 307, 314, where Judge Cox's opinions are printed as an addendum to that of the court.)

After the decision of the Supreme Court in its favor the Rock Creek Park Commission entered upon the performance of a duty imposed upon it by the act of Congress which directed the commission to make an assessment of costs upon lands in the District specially benefited. I attended the meetings of the commission on behalf of the United States, and when the widow and heirs of Van Riswick, owners of one of the tracts affected, filed their bill for injunction to restrain the commission from proceeding with the making of such assessments, upon the ground of unconstitutionality, etc., I argued the case below in the court of appeals upon behalf of the Government.

Several other matters were referred to me and were examined and reported upon, but as they were of minor importance, comparatively, I shall not specify them.

The decision of the court in the flats suit sustained the Government upon all points in controversy. It was conceded that portions of the reclaimed land, lying within squares 63, 89, 129, and 148, which were subject to overflow by the tide, and for this reason had been included within the reclamation, were private property, and the court by its final decree directed the taking of testimony, on behalf of the claimants to ownership, and on behalf of the United States as to the values of the portions of land so taken by the Government. This was done, and the court by its

further decree assessed such values, and Congress made an appropriation for their payment. To some of the ground there are conflicting claims of ownership, which are yet unadjusted.

It only remains to mention one other matter which bears upon the question of my compensation. In 1891, upon the death of Coyle, I was requested by the then district attorney to undertake the performance of certain work in connection with the criminal business of his office and did so with the understanding that the compensation to be paid me by him from the allowance made him by law for the conduct of his office should be credited upon my fixed annual compensation of \$6,000.

The present condition of my account with the United States, by fiscal years, is therefore as follows:

There is due me under my contract with the Attorney-General at the agreed rate—

For the fiscal year ending June 30, 1890.....	\$4, 500
For the fiscal years since to June 30, 1896.....	36, 000
For one-half the present fiscal year.....	3, 000
	43, 500

Less the sums paid me for attending to the preparation of indictments and other criminal business of the district attorney's office, out of the sum allowed him by law for the payment of the expenses of his office, which it was agreed should be thus credited—

For one-half the fiscal year ending June 30, 1891.....	\$1, 500
For the fiscal years since to June 30, 1896.....	15, 000
For one-half the present fiscal year.....	1, 500
	18, 000

Balance..... 25, 500

In conclusion, I beg leave to call attention to the fact that the credit above allowed is a distinct saving to the Government. If the duties connected with the criminal business of the district attorney's office had not been performed by me the amount would of course have been paid to some other person employed to perform them, and my compensation at the agreed rate would certainly have been earned in the services rendered in the flats suit alone. Indeed, the magnitude of this case, the questions of law involved, its importance to the Government, and the professional labors entailed in its conduct, would fairly justify a much higher rate of compensation than \$6,000 per annum, to say nothing of the other matters which have been referred to me and attended to, as above stated.

While I feel, under the circumstances, that the arrangement for the fixed annual compensation of \$6,000 has been altogether to the advantage of the Government, and that the business ought to have realized for me more than the above balance, I understand, of course, that my engagement limits me to the sum mentioned.

I have arranged the account in the form of a bill, which is respectfully transmitted herewith for your action.

I have the honor to be, your obedient servant,

HUGH T. TAGGART.

The ATTORNEY-GENERAL.

WASHINGTON, D. C., February 23, 1897.

SIR: I have read the letter of Mr. Taggart to you, dated January 23, 1897, transmitting his bill for professional services rendered to the United States in sundry matters, and among them the matter of the suit in equity, which the Attorney-General was directed by Congress to institute for the purpose of establishing the title of the United States to the area, land, and water included within the limits of the improvement of the Potomac River and its flats.

I am able to confirm in every particular the correctness of the statement made by Mr. Taggart in his letter. Mr. Hoge informed me when I succeeded him in the office of district attorney of the agreement which had been entered into between your predecessor in office and Mr. Taggart, by which Mr. Taggart was to be paid an annual compensation of \$6,000 for his services in the flats suit, and in such other matters as might be referred to him wherein the interests of the Government were concerned.

Mr. Hoge further stated to me that the arrangement with Mr. Taggart had proved to be a most economical one for the Government and had obviated the necessity of the employment by the Attorney-General of special assistant attorneys in many

matters where it otherwise would have been required, for the reason, that while those whom he had employed to assist him in the business of the office, were competent in their several and respective lines of duty, neither he (Mr. Hoge) nor they were well fitted or qualified to render the best service to the interests of the Government in the matters which had been referred to Mr. Taggart; and that in respect of them Mr. Taggart had a special fitness and capacity.

I was further informed by Mr. Hoge that at his solicitation and request, Mr. Taggart had undertaken to perform a part of the ordinary work of the office upon the understanding that it should be considered and treated as work done and performed under the arrangement had between Mr. Taggart and the Attorney-General, and that any sums which should be paid by Mr. Hoge to Mr. Taggart in the premises, and out of the allowance made to the district attorney by law for the conduct of the business of his office, should be credited as payment on his (Mr. Taggart's) annual compensation of \$8,000 under that arrangement.

I know Mr. Taggart well and fully appreciate the advantage to the Government of the arrangements made with him in respect of services, and during the time I held the office I availed myself of Mr. Taggart's services in the preparation of indictments and some of the other criminal business of the office and upon the same terms. There never has been, and there is not now, any doubt in my mind of the lawfulness and propriety of the arrangement which he made with Judge Hoge, and which was continued during the time I held the office. During my term of office many matters of importance out of the ordinary run of the office work were referred to Mr. Taggart and were attended to by him with great legal skill and efficiency; one of these, a matter of considerable importance, was the condemnation proceeding by which square 323 in this city was acquired by the United States as a site for a post-office.

If Mr. Taggart had been half as industrious in collecting his just dues from the Government as he was in attending to the numerous matters of its business which were referred to him, he would not be in his present position of embarrassment in regard to his bill. He informs me that notwithstanding the approval of this bill by you the Treasury officers are holding it up because of objections of a technical character which are being urged by them against it.

Mr. Taggart is in justice and equity entitled to payment. He is a poor man, and the payment of the money is a matter of the utmost importance to him. Apart from the knowledge which I have of the justice of his bill, I feel in a measure responsible for his predicament in respect of it, and am therefore disposed to render him any aid and assistance in the matter which I may be able to do.

He informs me that he has written you requesting, in view of the circumstances, that the matter of his bill be called to the attention of the Appropriation Committees of the two Houses of Congress, with a recommendation that provision be made for its payment. With a full knowledge of the merits of his claim and of the fact that the money is justly due him, I beg leave to unite in his request and to say, in conclusion, that I feel it to be a duty to render to him all the aid I can in the premises, and that if you should comply with his request I will cheerfully appear before the two committees and make all necessary explanations and recommendations in regard to the appropriation requested.

I have the honor to be, your obedient servant,

CHAS. C. COLE.

The ATTORNEY-GENERAL.

SUPREME COURT OF THE DISTRICT OF COLUMBIA,
Washington, D. C., February 26, 1897.

DEAR SIR: The justices of the supreme court of the District of Columbia are informed that H. T. Taggart, esq., has presented his bill for legal services in the celebrated Potomac Flats case, and other legal services for the United States, to the Attorney-General, who has approved the same. We are particularly advised of the services of Mr. Taggart in the Potomac Flats case. His patient research and great knowledge of the matters and things involved in that litigation are only equalled by the great ability and legal acumen shown in the discharge of his professional duty.

The final hearing of the Potomac Flats case occupied the attention of this court in general term, for six weeks or more. Many years were required for the preparation of the case, during which time it was often before the court upon incidental questions. The issues were various, and the defendants numerous; the testimony and exhibits are contained in seven large printed volumes; and by the decree of the court passed upon the final hearing of the cause, the title of the Government was established to all the reclaimed land, with trifling exceptions, and its title was also established to riparian rights along the Potomac River front of the city.

The brief and argument of Mr. Taggart was a complete demonstration of every point in the case, whether suggested by the Government or the defendants. We understand that the balance of Mr. Taggart's bill, covering the period from 1890 for services in this and other matters, is \$25,500. In our judgment, taking into consideration the fact that property rights and interests of the Government to the extent of many millions of dollars were involved, that a vast number of claims, each differing from the others, the evidence in most instances being ancient and obscure and most difficult to obtain, were litigated, and the time he was engaged also considered, the faithfulness and ability with which he conducted the case, would entitle Mr. Taggart to charge and receive as only a moderate compensation twice the above-named sum for his services in the Potomac Flats case alone. We feel, under the circumstances, that Mr. Taggart should be paid without delay, and should not be compelled to await the result of legal proceedings against the Government in a matter where the rightfulness and justness of his claim are so patent. He is not a rich man, has a large family and needs the money. Mr. Taggart has always been more noted for zeal in attending to the interests of his clients than eagerness to collect his fees.

We have the honor to be, your obedient servants,

E. F. BINGHAM, *C. J.*
A. B. HAGNER.
WALTER S. COX.
A. C. BRADLEY.
CHAS. C. COLE.
L. E. MCCOMAS

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

