

HOUSTON L. TAYLOR.

APRIL 6, 1880.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. THOMAS RYAN, from the Committee on the Public Lands, submitted the following

R E P O R T :

[To accompany bill H. R. 4862.]

The Committee on the Public Lands, to whom was referred the bill (H. R. 4862) for the relief of Houston L. Taylor, respectfully submit the following report:

For four years, ending May 1, 1879, Mr. Taylor was register of the land office at Wichita, Kans. The maximum compensation allowed by law to registers is \$3,000, of which \$500 is a fixed salary, and the residue is made from fees and commissions. Up to July 1, 1878, in addition to the regular fees, it was permitted by the Department of the Interior to retain certain fees for reducing testimony to writing, to defray the expenses of clerk-hire in taking such testimony; but at the date named the practice was changed and all fees were ordered to be accounted for and paid into the United States Treasury. The proper duties of a register are to superintend the disposal of public lands of the United States, and from the sale of these lands the fees and commissions are derived.

Your committee find, from a statement of the business of the Wichita land-office for the year ending May 1, 1879, that the fees and commissions from the sale of public lands, exclusive of Osage Indian trust and Cherokee strip lands, would reach the maximum allowed by law, and that this business could be done by the register in person without the expense of clerk-hire. Congress, however, placed the disposal of certain Indian lands, being the said Osage trust lands and Cherokee strip lands, upon the register in addition to the duties properly belonging to his office. This additional labor, owing to the great immigration then going to Kansas, increased the business of the office threefold; in fact the sale of the Indian lands comprised about 80 per cent. of the work performed at the office, as shown by the following letter from the Commissioner of the General Land Office, and made a part of this report:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., March 11, 1880.

SIR: I have received, by reference for report, from the subcommittee of the Senate Committee on Claims, a memorial of H. L. Taylor, late register of the land-office at Wichita, Kans., praying to be reimbursed for the amounts claimed to have been expended by him for clerk-hire, which expenses it is alleged were made necessary by the disposal of the Osage Indian trust-lands under the direction of the department, and in addition to his regular duties as register.

The following statement, compiled from the records of this office, exhibits the amount of business done at the Wichita land-office during the period for which this claim is made, and the allowance granted for clerical assistance during the same time:

Receipts at Wichita, Kans., from January 1, 1878, to May 1, 1879.

From sales of Osage lands.....	\$262,699 68
From sales of Cherokee lands.....	37,967 54
From sales of public lands.....	13,679 06
From fees and commissions.....	18,367 00
Total.....	332,713 28

About 80 per cent. of the business of the office was on account of sales of Indian lands.

The gross earnings of each officer were as follows: \$10,157.15; but the full salary of \$3,000 per annum to each officer was made up by the regular business of the office independent of the Indian lands.

During this period the receiver had credit in an adjustment of his disbursing accounts for the sum of \$1,264, amount paid for clerk-hire under authority of the department, and charged to the Osage fund.

The gross receipts at Wichita were very large, but a statement of receipts merely does not give a correct idea of the amount of work done. While it thus appears that a large proportion of the work done was on account of Indian sales, yet the labor incident to the sale of these Indian lands is much lighter than that incident to the disposal of the public lands by homestead and timber culture entries, &c.

The original application of Mr. Taylor for reimbursement of the sums claimed to have been expended by him for clerk-hire was made in April, 1879, but under the terms of the department letter of date March 23, 1876, this office was directed to give local land-officers to understand that claims for unauthorized clerk-hire could no longer be entertained, and hence this office was precluded from considering his claim.

I transmit herewith copies of the vouchers submitted by Mr. Taylor, and also forward the memorial and letter received from the committee.

Very respectfully,

J. A. WILLIAMSON,
Commissioner.

Hon. C. SCHURZ,
Secretary of the Interior.

To meet this unprecedented increase of work the employment of clerks became a necessity. The office was thronged with applicants to enter these Indian lands, and the register could only attend to their wants by the aid of clerks, or compel them to wait day after day until they could be reached in their order. It was a physical impossibility for the register in person to attend to the increased business. He accordingly employed assistance in the emergency, for which he paid the sum of \$1,494.98 out of his own funds, and which he now asks to be repaid to him.

Under the treaty of September 29, 1865, and act of Congress July 15, 1870, these lands are to be sold for the benefit of the Osage Indians, and the treaty provides that the expenses of the sales shall be paid out of the money derived therefrom. Objection was made by the Secretary of the Interior to the payment of the sum named in the bill, because there had been no formal authorization of the employment of the clerks, and not because there was not a positive need for such employment, or that the claim was not just.

Your committee are of opinion that the expenses incurred by Taylor were necessitated by the demands of public policy; that to have done otherwise under the circumstances would have caused great inconvenience and hardship to settlers desiring to enter lands; that the amount incurred can justly be paid out of the Indian fund arising from the sale of the Indian lands.

If the increased labor forced upon the register by the sale of these lands is to be paid for by himself, it would result in reducing the compensation of \$3,000, allowed him by law, in the disposal of the public lands, to the extent of \$1,494.98, or about one-half. Your committee recommend the passage of the bill.