

IN THE SENATE OF THE UNITED STATES.

MAY 15, 1878.—Ordered to be printed.

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

REPORT:

[To accompany bill S. 1065.]

The Committee on Claims, to whom was referred Senate bill No. 1065, with the petition and papers of the Rev. Toussaint Mesplie, asking compensation for services as chaplain in the Army for twenty-three years, have had the same under consideration, and submit the following report :

The petitioner, being a Catholic priest, was, previous to 1849, sent by his church as a missionary to the Indians at the mouth of the Columbia River, in Oregon. The military post at Fort Astoria being without a chaplain, the petitioner, while continuing his duties as missionary, acted as chaplain at that post from some time in 1849 to the spring of 1851. In the spring of 1851, petitioner moved to and took charge of "Old Saint Peter's Mission," situated near the United States post of "Fort Dallas." The post being without a chaplain, the petitioner was requested by the commanding officer to act as chaplain, and, while continuing his duties as missionary, he performed the ordinary duties of post-chaplain at Fort Dallas up to 1863, during which time he made numerous missionary circuits among the Indian tribes of the surrounding country, and while on these circuits he officiated at the following military posts: Camp Pickett on San Juan Island, Fort Steilacoom, Fort Yam Hill, Fort Haskins, Fort Walla Walla, and Fort Simcoe.

In June, 1863, petitioner removed to Idaho to start a new mission in the Boise Basin among the Indians residing there. The mission was situated about thirty-five miles from Fort Boise. The petitioner, at the request of the commanding officer of the post, visited the post every two or three months, and held religious services and acted as chaplain while there. He continued to reside at his said mission, and continued his visits to Fort Boise from the spring of 1864 until the summer of 1865, when he removed his residence to Fort Boise, and resided in the fort until June, 1870, during which time he performed the duties of post-chaplain.

In June, 1870, he started on a missionary circuit among the Indian tribes of Montana, upon which circuit he officiated as chaplain at the following United States military posts: Fort Hall, in Idaho, and Fort Walla Walla, in Washington Territory, spending about a month at these two posts, and in the winter of 1870 he returned to Fort Boise. In January, 1871, he visited Washington City on business connected with the Indians, and in June, 1871, returned to Fort Boise. In July, 1871, he removed to Fort Hall, where he acted as missionary among the Indians, and by request of the commanding officer officiated as chaplain, his time being about

equally divided between the Indian mission and the fort, situated about seventeen miles apart. In December, 1871, he again visited Washington City on business connected with the Indians, and in July, 1872, he was appointed and commissioned as chaplain of the United States Army, and still holds the commission.

These facts are all taken from the petition, to which the committee give full credit, and to a considerable extent they are corroborated by letters of Army officers and the affidavits of soldiers.

But from these facts it clearly appears that the petitioner was sent west by his church to perform certain missionary duties, and that from 1849 to 1872 he regarded himself as being in the service of his church and subject to its orders, and not in the service of the United States, or in any sense subject to the orders of the United States as its officer or servant.

No officer of the United States recognized him as an officer, or in any manner claimed the right to control his movements or actions.

That the petitioner was efficient and zealous in the performance of his missionary duties, and that his influence upon the Indians was salutary, the committee are satisfied. That he performed all the duties of a priest in a most satisfactory manner while stopping at the various military posts, the committee do not doubt; and that his teachings by precept and example had a salutary influence upon the soldiers, the committee believe to be true; but he did not regard himself as being in the service of the government, nor did the government regard him as being in its service, or subject to its orders, nor did he expect pecuniary compensation from the government for the services so rendered.

Up to 1872 he was in the service of his church and subject to its orders; but, like a true and devoted Christian, like the clergymen of all other denominations, he was ready to perform his clerical duties amongst the savages of the wilds of the Far West, at the military posts, or wherever he chanced to be.

The committee know of no principle upon which the petitioner can demand compensation for these services as a right, no principle upon which he can be compensated for them except as a gratuity; and, having no power to make donations from the public treasury, however meritorious the object, feel constrained to make an adverse report, and recommend that the claim be disallowed and the bill be indefinitely postponed.