

IN THE SENATE OF THE UNITED STATES.

• AUGUST 15, 1890.—Ordered to be printed.

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

REPORT:

[To accompany H. R. 11459.]

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, 1890, and for prior years, and for other purposes," submit herewith a statement showing 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 by the committee, and append various letters and documents relating to the subject-matter of the amendments reported.

Amount of bill as passed the House.....	\$5,230,535.78
Increase (net) made to bill by Senate Committee.....	1,849,643.61
Total, as reported to Senate.....	7,120,179.39

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

INCREASE.

United States and Mexican boundary survey.....	\$75,000.00
United States and Venezuelan claims commission expenses.....	9,000.00
Contingent expenses of consulates for 1890.....	40,000.00
Purchase of prehistoric copper implements.....	7,000.00
Dayton, Ohio, public building.....	10,000.00
Pittsburgh, Pa., public building.....	110,000.00
Relief of Samuel Hein.....	1,285.85
Re-imbusement of North Dakota.....	10,854.71
Re-imbusement of South Dakota.....	14,859.80
District of Columbia, miscellaneous items.....	529.99
Payment of judgments against District of Columbia.....	1,260.00
Transportation and recruiting, Navy.....	652.83
Equipment of vessels, Navy.....	435.00
Provisions, Marine Corps.....	754.39
Clothing, Marine Corps.....	527.00
Fuel, Marine Corps.....	3,330.12
Forage, Marine Corps.....	317.80
Contingent, Marine Corps.....	2,968.71
Contingent, Department of the Interior.....	167.39
Penitentiary building in North Dakota.....	30,000.00
Improvement of Hot Springs, Arkansas.....	5,000.00
Payment to Robert Berry, public lands service.....	1,109.67
Re-imbusement of late superintendent of Yellowstone National Park.....	149.37
Payment to certain Post-Office Department employes.....	12,766.80
Payment to M. M. Lynch.....	101.65
For irrigation investigations.....	40,000.00
Defending suits in claims against the United States.....	2,138.55

Payment to Lafayette Dawson, late judge in Alaska.....	\$246. 60
Payment to Daniel F. Wyatt, late deputy marshal in Oklahoma.....	198. 00
Payment to district attorneys and assistants.....	71, 615. 80
Expenses of the Senate.....	41, 606. 12
Payment to telegraph operator of House.....	300. 00
Judgment of Court of Claims.....	400. 00
Fox and Wisconsin river judgments and awards.....	120, 402. 70
Payment to E. E. Chapin.....	787. 50
Expenses inspectors, General Land Office.....	78. 21
Pay of the Navy, certified claims.....	6, 595. 26
Provisions of the Navy, certified claims.....	137. 55
Supplemental deficiencies (Sec. 4).....	140, 159. 32
French spoliation claims.....	1, 239, 688. 98
Total increase.....	2, 002, 445. 67

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

REDUCTION.

Expenses of bringing home remains of H. C. T. Nye.....	\$600. 00
Lubec Narrows Light Station, Maine.....	15, 000. 00
Printing for Territory of Montana.....	1, 772. 35
Redemption of unsigned national-bank notes.....	2, 500. 00
Payment to Susannah George.....	365. 15
Re-imbusement of life-saving crew at Muskeget, Massachusetts.....	170. 65
Town sites in Oklahoma, expenses.....	25, 000. 00
Re-imbusement of B. C. Hobbs.....	122. 50
Payments to widows of deceased members of the House.....	60, 771. 41
Payments to official reporters.....	6, 500. 00
Total reduction.....	112, 802. 06
Net increase made to House bill.....	1, 889, 643. 61

SMITHSONIAN INSTITUTION.

SMITHSONIAN INSTITUTION, U. S. NATIONAL MUSEUM,
Washington, August 13, 1890.

DEAR SIR: I have received a copy of the amendment to the bill (H. R. 11459) concerning the collection of prehistoric copper implements collected by Mr. Frederick S. Perkins, with your request for an expression of my views upon its subject matter.

From the wording of the amendment it might appear that the money asked for to secure the purchase of the collection represents a deficiency, and that the collection has been already bought by the Smithsonian Institution. This is by no means the case. The Smithsonian Institution declined to buy the collection, because it had no money available. Furthermore, as acting secretary of the Institution, I declined to ask for a special appropriation, for the reason that no such request for the purchase of specimens has ever been made. The collection is now on exhibition in the Archaeological Hall of the National Museum, but is still the property of Mr. Perkins. Since, however, you have requested my views upon the subject, I beg leave to make the following statements.

(1) The collection of American prehistoric copper implements belonging to Mr. Frederick S. Perkins consists of 422 specimens. The assemblage is unique, and is beyond all doubt the finest in existence. Mr. Perkins has been engaged in gathering it for twenty years or more. His home is in the richest locality for objects of this character, and he was the pioneer collector. Since he has set the example, many others have followed it, and there are now a large number of small cabinets of a similar character in Wisconsin and elsewhere in the United States. It is doubtful, however, whether all of them combined would make one collection equal in scientific importance to that of Mr. Perkins.

(2) The price asked by Mr. Perkins for his collection (\$7,000) represents an average of about \$17 for each object. For several of the single objects he has paid \$100 or more. The price does not appear to be exorbitant, and it is certain that the collection could not be duplicated for double the amount, if, indeed, it were possible at any price.

Specimens of this kind have of course no fixed commercial value, for there is no standard of comparison, most of the objects being unique.

(3) Special reference may be made to the importance of such collections to science, in connection with the study of prehistoric archæology in this country. The retention of the Perkins cabinet in a public museum in America seems to be essential to the proper study of the original inhabitants of the continent, and indeed it is probable that these very objects may afford a key to the solution of unsettled problems in American archæology. Of especial importance is the light which they may throw upon the study of the use of metals by prehistoric man.

(4) There can be no question that it is desirable that this collection should become the property of the United States, in order that the Government Archæological Museum may be a thoroughly representative one. It would be a misfortune to American science, and in future years would undoubtedly be regarded as a reflection upon this country, if the collection in question should become the property of some foreign government. The transfer of the famous Squier and Davis collection of stone implements to England, some twenty years ago, has ever since been a great regret to Americans.

Should you desire further information, Prof. Thomas Wilson, curator of the archæological collection in the National Museum, will be glad to appear before the committee to explain in full the peculiar merits of the case.

I am, sir, yours very respectfully,

G. BROWN GOODE,
Acting Secretary.

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

PUBLIC BUILDING AT DAYTON, OHIO.

TREASURY DEPARTMENT,
August 15, 1890.

SIR: I have the honor to transmit herewith for favorable consideration of Congress, a communication from the Supervising Architect of the Treasury Department, as to the need of providing a further appropriation of \$10,000 on account of the construction of the post-office, etc., at Dayton, Ohio, in the deficiency bill now pending.

Respectfully yours,

O. L. SPAULDING,
Acting Secretary.

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

TREASURY DEPARTMENT, OFFICE OF THE SUPERVISING ARCHITECT,
Washington, D. C. August 14, 1890.

SIR: I have the honor to request your consideration of the matter of a further appropriation on account of the construction of the post-office, etc., at Dayton, Ohio.

In brief, I may state that an item of \$10,000 for the building named was included in the deficiency estimate Executive Document 174, but during the interval a bill was introduced for an appropriation to increase the size of the building, and no provision was made for the appropriation of \$10,000 asked. It is believed that no further action has been taken in regard to this extension of limit, and as all preliminary arrangements have been perfected to invite proposals for the supply of the interior finish as originally contemplated it is submitted that an item of \$10,000 should be included in the deficiency bill to enable proper procedure with the work.

Respectfully, yours,

JAS. H. WINDRIM,
Supervising Architect.

Hon. WILLIAM WINDOM,
Secretary of the Treasury, Washington, D. C.

COLLECTOR OF CUSTOMS, NEW YORK.

TREASURY DEPARTMENT,
August 14, 1890.

SIR: Under the provisions of section 2722, Revised Statutes, there were appointed in the district of New York the following officers, being in addition to the special deputy naval officer and special deputy surveyor, already in office, viz: Herbert H.

Taylor, deputy naval officer; John W. Corning, deputy surveyor; Avery B. Catlin, deputy surveyor.

The services of these officers were and are still considered necessary to the proper conduct of the customs business at that port, but the honorable Attorney-General, having construed the law as allowing the appointment of only one deputy naval officer and one deputy surveyor at that place, these services were at once discontinued.

The persons employed having, however, been paid by the collector of customs at New York, under the authority of the appointments issued from the Department, out of the appropriations for expenses of collecting the revenue from customs for 1890 and 1891, it is requested that authority be given in the pending deficiency bill to the accounting officers of the Treasury Department, to allow in the disbursing officer's accounts the payments already made, viz, \$4,775.96; of which sum \$3,960.74 pertains to the fiscal year 1890, and the remainder, \$815.22, to the current fiscal year.

The payments were made as follows:

John W. Corning, deputy surveyor, November 1, 1889, to August 9, 1890.....	\$1,936.14
Avery B. Catlin, deputy surveyor, November 1, 1889, to August 9, 1890.....	1,936.14
Herbert H. Taylor, deputy naval officer, March 31, 1890, to August 9, 1890..	903.68

Respectfully, yours,

O. L. SPAULDING,
Acting Secretary.

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

RE-IMBURSEMENT OF NORTH DAKOTA.

[House Report No. 2034, Fifty-first Congress, first session.]

The Committee on Territories, to whom was referred the bill (H. R. 9916) to reimburse the State of North Dakota for expenses incurred in holding the constitutional convention in that State in July and August, 1889, submit the following report:

That the constitutional convention of North Dakota was in session forty-five days, while the appropriation made by the Fiftieth Congress to defray the expenses of said convention was only sufficient to pay the mileage of members and their per diem for thirty-one days each, leaving a deficiency of fourteen days for each member, at \$4 per day each.

A detailed statement of the expenses over and above the amount appropriated by Congress is herewith given, signed by the president and the chief clerk, respectively, of the said convention:

Hon. JOHN R. BRAY, *Auditor of North Dakota:*

DEAR SIR: The outstanding indebtedness of the constitutional convention of North Dakota is represented by vouchers signed by its president and attested by its chief clerk, and were issued in accordance with the instructions of the convention itself. This indebtedness is grouped as follows:

Per diem of members, fourteen days each.....	\$4,500.00
Per diem of officers and clerks.....	3,253.00
Per diem of officers and clerks, joint commission.....	423.00
Per diem of stenographer, joint commission, and transcribing debates of same.....	369.65
Per diem of stenographer of convention.....	45,000
Transcribing debates of same.....	314.86
Printing, balance unpaid.....	1,539.20
Completing journals and debates, engrossing constitution, and miscellaneous items, as represented by vouchers to Messrs. Goodner, Gowran, Purcell, and the Misses Davidson.....	750.00
Total.....	11,604.71

The details of this amount you will find on pages 216-340 and 352, journal constitutional convention, excepting vouchers to Goodner, Gowran, Purcell, and Jewell. There were seventy-five members of the convention. Each has a voucher for \$56 except the president, whose voucher is \$34.

You will find the names of members on pages 2 and 3, journal.

Respectfully,

F. B. FANCHER,
President Constitutional Convention of North Dakota.

Your committee therefore recommend that House bill No. 9916 be amended by striking out "ten thousand eight hundred and fifty-four dollars and seventy-one cents," in lines 7 and 8, and inserting the words "eleven thousand six hundred and four dollars and seventy-one cents."

NAVY DEPARTMENT.

NAVY DEPARTMENT,
Washington, August 2, 1890,

SIR: Since the transmission to the honorable the Secretary of the Treasury of estimates for deficiencies under this Department, an outstanding voucher for equipment supplies has been presented, and other slight indebtedness for transportation has, necessarily, been incurred, for the payment of which provision should be made by Congress.

Inclosed herewith is a copy of a letter from the Chief of the Bureau of Equipment, dated the 30th ultimo, also a copy of one from the Chief of the Bureau of Navigation, dated the 1st instant, explaining the indebtedness.

I have therefore the honor to request that the general deficiency bill may be amended, when it reaches the Senate, so as to provide for these deficiencies, by inserting under Bureau of Equipment the following clause:

"To pay bill of S. C. Forsaith Co., reservation on vouchers for five thousand feet of hose, delivered at the New York navy-yard, under their contract of September twenty-second, eighteen hundred and eighty-eight, for the service of the fiscal year ending June thirtieth, eighteen hundred and eighty-nine, four hundred and thirty-five dollars."

Also, that under the Bureau of Navigation the amount proposed to be appropriated for transportation and recruiting may be increased from \$1,000 to \$1,652.83.

Very respectfully,

J. R. SOLEY,
Acting Secretary of the Navy,

Hon. W. B. ALLISON,
Chairman of the Committee on Appropriations, U. S. Senate.

NAVY DEPARTMENT, BUREAU OF EQUIPMENT,
Washington, July 30, 1890.

SIR: The bureau is informed by the Paymaster-General of the Navy that there is due to the S. C. Forsaith Machine Co. the sum of \$435, chargeable to appropriation equipment of vessels, 1889, being the amount reserved from vouchers for 5,000 feet hose delivered at the New York navy-yard under their contract of September 22, 1888.

In order that provision may be made for the payment of this indebtedness, I have the honor to recommend that the Secretary of the Treasury be requested to have the name and amount added to the list of bills already submitted for which deficiencies are asked by this bureau under the above-mentioned appropriation.

Very respectfully,

GEO. DEWEY,
Chief of Bureau.

The SECRETARY OF THE NAVY.

BUREAU OF NAVIGATION, NAVY DEPARTMENT,
Washington, August 1, 1890.

SIR: Referring to the item of \$1,000 in the bill to supply deficiencies in the fiscal year 1890 under the appropriation "Transportation and Recruiting, 1890," I have the honor to state that since that amount was requested returns showing the following indebtedness under "Transportation and Recruiting, 1890," have been received, viz:

Transportation of thirty-one men from San Francisco to New York, amounting to.....	\$1,240.00
From vessels and stations.....	412.83
Total.....	1,652.83

It is therefore requested that the amount \$1,000 be increased to \$1,652.83.

Very respectfully, your obedient servant,

F. M. RAMSAY,
Chief of Bureau.

The SECRETARY OF THE NAVY.

MARINE CORPS.

NAVY DEPARTMENT,
Washington, August 6, 1890.

SIR: I have the honor to inclose herewith additional estimates of deficiency appropriations required for the Quartermaster's department of the Marine Corps for the service of the fiscal year 1890.

These estimates are explained in a letter addressed to the Department on the 5th instant by Maj. H. B. Lowry, quartermaster of the corps, a copy of which is also inclosed, and are approved by Lieut. Col. Charles Heywood, in the absence of the commandant of the corps.

These sums required are in addition to those reported in the general deficiency bill now under consideration in the House of Representatives, and I have the honor to request that when that bill reaches the Committee on Appropriations of the Senate, it may be amended under the head of "Marine Corps" so as to provide for the deficiencies in question and meet the liabilities incurred.

Very respectfully,

J. R. SOLEY,
Acting Secretary of the Navy.

Hon. WILLIAM B. ALLISON,
Chairman of the Committee on Appropriations.

DEFICIENCIES.

QUARTERMASTER'S DEPARTMENT,
Washington, August 4, 1890.

Estimates of Appropriations required for the service of the fiscal year ending June 30, 1890, by the Quartermaster's Department, U. S. Marine Corps.

Provisions: To pay accounts on file for advertising, and for reservations on accounts for provisions	\$754.39
Clothing: To pay accounts on file for advertising, and to re-imburse Quartermaster-General's Department, U. S. Army, for clothing transferred to U. S. Marine Corps	527.00
Fuel: To pay accounts on file for advertising, and for reservations on accounts for fuel	3,330.12
Forage: To pay accounts on file for advertizing and for reservations on accounts for forage	317.80
Contingent: To pay accounts on file for advertising, and for gas, water, straw, freight, etc	2,968.71
Total	7,898.02

Respectfully submitted,

H. B. LOWRY,
Major and Quartermaster U. S. Marine Corps.

HEADQUARTERS U. S. MARINE CORPS, COMMANDANT'S OFFICE,
August 4, 1890.

Approved. Forwarded by direction of Secretary of Navy.

CHARLES HEYWOOD,
Lieutenant-Colonel U. S. Marine Corps.

HEADQUARTERS U. S. MARINE CORPS,
QUARTERMASTER'S OFFICE,
Washington, D. C., August 5, 1890.

SIR: The Department's letter of the 4th instant, addressed to the Commandant of the Marine Corps, has been referred to this office; in reply, and in connection with its subject-matter, I would respectfully state, that the deficiency estimates, fiscal year 1889-'90, submitted under yesterday's date, are explainable as follows:

Congress authorized in the appropriation bill for the support of the Navy, approved

March 2, 1889, an addition to the strength of the corps, of one hundred privates, thus increasing the number from one thousand five hundred to one thousand six hundred, but failing to provide by a proportional appropriation for the clothing, provision, fuel, etc., made necessary by the increase; sufficient money, however was available to meet the incidental expenses in that connection, except the 20 per cent. reservation retained, as provided for in all existing contracts.

The bills for advertising for supplies, namely, "provisions, clothing, fuel, forage, and contingencies," have been divided, in order that each class of supplies may be charged with its proportional expense.

In addition to the causes of the deficiency above stated, I may add that over \$1,000 was transferred by the Treasury Department from the appropriation "contingent" Marine Corps, to meet expenses (properly chargeable to said appropriation), but of which, however, this office had no information until near the end of the fiscal year.

The amount due the Quartermaster's Department, U. S. Army, is for undershirts and socks, received from the Army upon the request of this office made with the approval of the honorable Secretary of the Navy.

In connection with the above statement, I respectfully call your attention to the increase of the amounts appropriated for present fiscal year, as compared with that appropriated for previous fiscal year, wherein it will be seen that in the item of provisions the increase is \$5,274.47; in that of clothing \$10,000; and of fuel \$2,000.

Very respectfully,

H. B. LOWRY,

Major and Quartermaster, U. S. Marine Corps.

Hon. B. F. TRACY,
Secretary of the Navy.

HEADQUARTERS U. S. MARINE CORPS, COMMANDANT'S OFFICE,

August 5, 1890.

Forwarded by direction of the Secretary of the Navy.

CHARLES HEYWOOD,
Lieutenant-Colonel, U. S. Marine Corps.

HOT SPRINGS, ARKANSAS.

[Senate, Ex. Doc. No. 208; 51st Congress, 1st Session.]

Letter from the Secretary of the Treasury, transmitting an estimate from the Secretary of the Interior for an appropriation of \$5,000 for protection and improvement of Hot Springs, Arkansas.

TREASURY DEPARTMENT,

August 11, 1890.

SIR: I have the honor to transmit herewith, for the consideration of Congress, copy of a communication from the Secretary of the Interior of the 9th instant, submitting an estimate of appropriation in the sum of \$5,000 for protection and improvement of Hot Springs, Arkansas.

Respectfully, yours,

W. WINDOM,
Secretary.

The PRESIDENT OF THE SENATE.

DEPARTMENT OF THE INTERIOR.

Washington, August 9, 1890.

SIR: I have the honor to transmit herewith for favorable consideration by Congress the following estimate, amounting to \$5,000 for material, labor, etc., necessary to the completion of the pumping station in process of construction on the Hot Springs Reservation. The appropriation of \$31,000, sundry civil act of October 2, 1888, for providing a system of reservoirs, pumps, and piping, and for other purposes, necessary to the collection and economical distribution of the hot water on the Hot Springs Reservation at Hot Springs, Ark., is entirely inadequate for such purpose. Existing contracts for pumping-engines and boilers, erection of engine-house, and impounding reservoirs, excavation, furnishing of pipes, together with extra work re-

sulting from necessary changes in plans will absorb the available balance of \$29,934.75, leaving the Department without funds to provide for laying of mains, providing of foundations for engines, and other expenses incidental to the prosecution of the work not included in the contracts.

Very respectfully,

GEO. CHANDLER,
Acting Secretary.

The SECRETARY OF THE TREASURY.

*Estimates of appropriations required for the service of the fiscal year ending June 30, 1891,
by the Department of the Interior.*

Detailed objects of expenditure, and explanations.	Total amount to be appropriated under each head of appropriation.	Amount appropriated for the fiscal year for which the appropriation is required.
Protection and improvement of Hot Springs, Ark., (pumping station): For laying of mains, purchase of pipe and valves, providing foundations, for pumping-engines, expense of superintendence of construction of work, and other expenses incidental thereto (October 2, 1888).....	\$5,000.00	\$31,000.00

PAYMENT TO O. M. LARAWAY.

[House Report No. 2362, Fifty-first Congress, first session.]

The Committee on Claims, to whom was referred the bill (S. 1934) for the relief of O. M. Laraway, would respectfully report:

This bill, as amended and passed by the Senate at this session, directs the officers of the Post-Office Department to credit to the account of O. M. Laraway, late postmaster at Minneapolis, Minn., the sum of \$11,115.38, being the value of certain postal funds which were stolen from the safe in said post-office on the 8th day of July, 1886. These postal funds, as they are called (postage-stamps), it is alleged were stolen without the fault of said postmaster. The facts, with the opinion of Hon. William F. Vilas, Postmaster-General under the last administration, are set forth in a letter dated January 6, 1887, as follows:

"On the night of the 8th of July, 1886, the post-office at Minneapolis, Minn., was entered by burglars and postage-stamps to the amount, as near as can be ascertained, of \$15,330, with which O. M. Laraway, then postmaster, is charged in his accounts with this Department, were stolen, and the same have not, nor has any part thereof, been recovered by him.

"The late postmaster has presented his claim to this Department, under the provisions of the act of March 17, 1882, entitled 'An act authorizing the Postmaster-General to adjust certain claims of postmasters for loss by burglary, fire, or other unavoidable casualty' (22 Stat., 29), for credit for the amount of stamps thus lost.

"The claim has been carefully investigated by this Department and the facts ascertained. It appears that said burglary actually occurred, and that the loss in stamps is satisfactorily proved to be as large as claimed and above stated. According to the principles applied by this Department in the consideration of such claims under said act as the Postmaster-General is authorized to adjust, it does not appear that the postmaster was guilty of such fault or negligence in the premises as to prejudice his claim for relief.

"Pursuant to the requirement of said act I herewith transmit said claim to Congress, together with the reports, affidavits, and depositions pertaining thereto, and a summary of the facts and opinion thereon by the Assistant Attorney-General of this Department, and I respectfully recommend that credit on the account of said O. M. Laraway to the amount of \$15,330 be authorized and appropriation made therefor."

The above letter was addressed to Hon. J. G. Carlisle, Speaker of the House of Representatives, and was written in compliance with a request for information from a committee of this House.

Hon. Edwin E. Bryant, Assistant Attorney-General for the Post-Office Department, on consideration of the facts, submitted the following opinion:

OPINION.

By the evidence submitted in this case, including the depositions taken before the United States commissioner at Minneapolis, Minn., it appears to be clearly proved—

(1) That the post-office was entered on the morning of July 9, 1886, in the night-time, between the hours of 1 and 3 o'clock, and one of the safes therein, containing a large quantity of postage stamps, was drilled, and its combination lock broken and forced open by expert burglars, and the contents, consisting of postage-stamps, were taken by the burglars and carried away.

(2) That the amount of stamps taken was probably as much as the postmaster claims, viz, \$15,330. The testimony of the postmaster and his clerk employed in the sale of stamps is quite positive, and their data appear to be accurate, that that amount was taken. The inspectors who investigated the case are also satisfied that the loss was fully as great as claimed. The Department estimate of the loss places it at about \$1,130 less than the postmaster claims; but it is to be noted that the Department estimate is based upon average daily sales for the preceding two quarters, while the postmaster's estimate rests upon his actual sales from the first day of the quarter. Besides, the quantity in the safe which was broken open is positively sworn to by two witnesses. The loss can be safely estimated at \$15,330, the amount claimed by the postmaster.

(3) There is nothing in the evidence pointing to a suspicion that the postmaster or any of his clerks or employes were in collusion with the burglars or in any way implicated in the robbery.

(4) It does not appear that any fault or negligence can be imputed to the postmaster. The safe in which the stamps were kept was carefully locked; it was one which the Department furnished to this post-office expressly for use in storing stamps. The stamp-clerk's office was in a somewhat exposed part of the building, but this seems to have been necessary for the public convenience. The post-office inspectors call attention to the fact that no watchman was provided for the interior of the building, although the four safes each contained several thousand dollars' worth of stamps and that no one was kept on duty after a late hour of the night. In view of all the circumstances, I am not prepared to say that this was a negligence on the part of the postmaster. No allowance for a night watchman was made to him. Usually there was a private watchman employed by the owner of the building, on duty in and about the building and its vicinity, and the postmaster had every reason to suppose that he was on duty that night, although, by reason of sickness in his family, he was not. A policeman of the city had his beat in front of the post-office, and had he not retired within a hallway near by his attention would probably have been attracted to the work of the burglars.

With such safeguards about the office the postmaster was justified, in my judgment, in keeping the property in the manner he did. Furthermore, it was usual for one of the distributing clerks to work in the post-office during the night and until after daylight in the morning, but on this occasion he left the office earlier than usual, by permission of the superintendent of the mails. But the postmaster had every reason to suppose that there was some one in the post-office during the hours in which the burglary was consummated.

These facts appear to me to warrant the postmaster in supposing that the building was properly guarded against burglary, and to exonerate him from maintaining at his own expense a watchman in the post-office. And under the circumstances it was not negligence to permit the door of the lobby to be left open during the night. This is a quite usual practice, and has been the custom at this post-office for many years, and in so public a place, with a private watchman and a policeman patrolling near by, and a night clerk usually at work within, the permission of this practice was not an act of negligence, at least of so grave a character that it should throw the onus of this loss upon the postmaster.

I have therefore the honor to advise that this claim is one proper to be recommended to Congress under the act of Congress approved March 17, 1882 (22 Stat., 29), for allowance of credit to the amount claimed.

EDWIN E. BRYANT,
Assistant Attorney-General, Post-Office Department.

Executive Document No. 76, Forty-ninth Congress, second session, House of Representatives, sets forth at length the testimony taken upon this claim.

A careful study of the evidence set forth in that document confirms the opinion as expressed above by Postmaster-General Vilas and by Assistant Attorney-General Bryant. The case was carefully investigated first by two post-office inspectors and later by the chief post-office inspector, who acted with the United States attorney for that district, with the object of determining whether the negligence of the post-master

contributed to the loss. All seem to have concluded that the postmaster was not guilty of negligence.

With this evidence for a basis Congress made an appropriation re-imbursing Mr. Laraway, in the deficiency bill passed on the 3d of March, 1887, but which, failing to receive the President's signature, did not become a law.

Your committee therefore recommend the passage of the Senate bill.

UNITED STATES DISTRICT ATTORNEYS AND ASSISTANTS.

DEPARTMENT OF JUSTICE,
Washington, D. C., August 12, 1890.

SIR: Inclosed are copies of letters of July 28 and August 1, 1890, addressed to the Secretary of the Treasury, to be presented to the Speaker of the House of Representatives, respecting deficiencies in the appropriations under this department that are required for the payment of accounts incurred prior to July 1, 1890.

The letter of July 28, 1890, sets forth the desired appropriations.

For special compensation of district attorneys for fiscal year—	
1890	\$5,000.00
1889	3,599.95
1888	2,900.00
1887	€30.00
1886	430.00
1885	610.00
1884	2,600.00
	<hr/>
	15,769.95
Pay of assistant attorneys, 1888	440.00
Pay of regular assistant attorneys, 1890	3,000.00
	<hr/>
Services special assistant attorneys—	
1890	13,000.00
1889	16,931.47
1888	7,013.03
1887	4,796.20
1886	1,700.00
	<hr/>
Total	43,440.70

These deficiencies are the result of employed counsel, official and special, in cases in which the United States was interested for the fiscal years mentioned, and in which the district attorney was unable to perform the services alone, or was not bound to perform the same under the fee bill.

They have been omitted from the deficiency bill passed by the House of Representatives at the present session. If it is desirable that the Attorney-General shall employ special counsel in important cases at the request of the heads of Departments, and upon the representations of Senators and members as to the urgent necessity of such employment, it seems to be equally desirable that the Department shall be furnished with funds to pay for the services so rendered under such employments. If these accounts can not be paid, it leaves the Department in the embarrassing situation of having employed men whom it can not pay.

If these accounts are not to be paid I shall assume that this Department ought not to incur further liabilities in the employment of special counsel. I do not see how I can reasonably ask competent counsel to engage in the service of the Government when I can not assure them that their services will be compensated. The action of Congress in this matter will control my future action in the employment of counsel in cases where United States interests are involved.

It is understood that the deficiency bill passed by the House appropriates money for United States commissioners for the years 1888, 1889, and 1890.

It is also understood that the deficiency bill omits the item of miscellaneous expenses for 1890, \$25,000. Perhaps the omission arose (as intimated by the Appropriation Committee of the House) from a consideration that this appropriation being under the control of the Attorney-General he ought not to exceed in his expenditures the amount appropriated under section 3679, Revised Statutes, which forbids the head of a Department from involving the Government in any contract for the future payment of money in excess of an amount appropriated.

The letter of July 28, 1890 (copy inclosed), third page states that many of these expenses can not be controlled by the Attorney-General.

They are incurred without his knowledge, and are approved by him subsequently because the expense appears to be necessary and reasonable in amount. You notice that this deficiency is estimated at \$25,000. During the last fiscal year there was expended from this appropriation \$37,114.25 for the use of the Supreme Court of the United States. This expense was chiefly incurred by that court under section 680 Revised Statutes, that permits the marshal of that court, with the approval of the Chief-Justice, to appoint assistant marshals and messengers to attend court. In this the marshal acts independently of the Attorney-General, and depletes the appropriation *ad libitum*. Herewith inclosed are copies detailing the expenses of that court paid out of this fund during the first, second, and third quarters of the fiscal year 1890. It is estimated by the marshal of that court that \$6,500 more will be needed for the last fiscal year. This sum is a part of the \$25,000 needed. The remainder of the amount is distributed among the United States courts of the States, for payment of experts, stenographers, interpreters, and janitors' services, chiefly.

Every week brings an inquiry from some court respecting these claims.

The last paragraph of letter July 28, 1890, asks for the sum of \$2,138.55 as a deficiency in the appropriation for defending suits in claims against the United States in 1890. This is omitted from the deficiency bill. A copy of the letter transmitting this account to the Secretary of the Treasury is inclosed, and explains itself.

Your attention is directed to Department letter of the 1st instant, a copy of which is herewith inclosed, asking the Secretary of the Treasury to state to the Speaker of the House that there were certain bills in this Department amounting to \$8,965.15 that did not fall under any appropriation under its control. These accounts are for legal services performed by attorneys in the interest of the United States at times when there was no district attorney or assistant district attorney to discharge the duties; or services performed, in one case, by an attorney at the request of a district attorney under an expected appointment by the Department of Justice, which was, by inadvertence, not made; or were services rendered in cases which the United States had an incidental or secondary interest, such as defending Indian rights or Government officers.

In my judgment all of these claims in the amounts stated (\$8,965.15) are correct and just.

The services were necessary, and I think should be paid.

In conclusion, I beg to say that the amount of the regular appropriation for special assistant attorneys (\$20,000 for 1890) is not only insufficient, but known to be so when made. A deficiency appropriation has always been necessary, and has been made. This insufficiency is made more palpable each year, as bills are passed providing for many new terms of court, and especially requiring the Attorney-General to undertake very important new litigation, such as under the interstate-commerce law, settling the relation of the telegraph companies to land-grant railroad companies, and settling titles to Indian lands, as in Black Bob case, etc.

Very respectfully,

W. H. H. MILLER,
Attorney-General.

THE PRESIDENT OF THE SENATE.

TREASURY DEPARTMENT, SECOND COMPTROLLER'S OFFICE,
Washington, D. C., August 14, 1890.

SIR: I have the honor to inclose herewith a letter to me from the honorable Fourth Auditor, also a copy of a letter to Hon. David B. Henderson, inviting attention to the fact that there was no provision made for the payment of the claims reported in Executive Document 144, Fifty-first Congress, first session, commencing with John Baker, No. 141, on page 138, and extending down to and including Charles Zang, No. 4, on page 140, amounting to \$6,595.26, "Pay of the Navy, certified claims."

When Mr. Henderson was informed of the omission, he stated that it was then too late to act in the matter, that there would be no meeting of the committee before action was taken on the bill by the House, and that I should report the matter to the Senate Committee on Appropriations, and ask to have the amount included in the Senate bill. The letter to Mr. Henderson fully sets forth all the facts.

I have the honor to be, very respectfully,

B. F. GILKESON,
Comptroller.

Hon. WILLIAM B. ALLISON,
Committee on Appropriations.

TREASURY DEPARTMENT, FOURTH AUDITOR'S OFFICE,
Washington, D. C., August 12, 1890.

SIR: I have the honor to call your attention to the fact that in the general deficiency bill recently passed by the House of Representatives, no provision is made for the payment of claims reported in House Executive Document 144, Fifty-first Congress, commencing with John Baker, number 141, on page 138, and extending to and including Charles Zang, number 4, on page 140, amounting to \$6,595.26, "Pay of the Navy, certified claims."

There is also omitted in the bill an item of \$137.55, under "Provisions of the Navy, certified claims", on page 142, same document, as follows:

No. 156, John Harrington	\$5.25
No. 37, Charles W. Livermore	70.50
No. 116, Frank M. Perry	1.80
No. 54, Christopher Stein	60.00

I would respectfully suggest, if it meets your approval, that you advise the Chairman of the Committee on Appropriations of the Senate of the omission, with such recommendation as you may think proper.

Respectfully yours,

JOHN R. LYNCH,
Auditor.

Hon. SECOND COMPTROLLER, Treasury Department.

TREASURY DEPARTMENT, SECOND COMPTROLLER'S OFFICE,
Washington, D. C., July 25, 1890.

SIR: I have the honor to invite your attention to House bill No. 11459, making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1890.

It appears from an examination of the bill that there is no provision made for the payment of the claims reported in Executive Document 144, Fifty-first Congress, first session, commencing with John Baker, No. 141, on page 138, and extending down to and including Charles Zang, No. 4, on page 140, amounting to \$6,595.26, "Pay of the Navy, certified claims."

The most of these claims are for amounts due enlisted men of the Navy and Marine Corps, who have been relieved from the charge of desertion by the Secretary of the Navy under the act of August 14, 1888 (25 Stat., 442). I am advised that there is no claim for sea pay on receiving-ships included in this amount.

In order, however, to guard against any claim for sea pay on receiving-ships being inadvertently included, I have the honor to suggest the following as the form of appropriation:

"PAY OF THE NAVY, CERTIFIED CLAIMS.

"Commencing with number one hundred and forty-one, on page one hundred and thirty-eight, and including number four, on page one hundred and forty, of Executive Document one hundred and forty-four, Fifty-first Congress, first session, six thousand five hundred and ninety-five dollars and twenty-six cents, *Provided*: That no part of this sum shall be used for the payment of any claim for sea pay on receiving-ships, or for the payment of any claim which may have been allowed under the decisions of the Supreme Court which have been adopted by the accounting officers as a basis for the allowance of said claims which accrued prior to July sixteenth, eighteen hundred and eighty."

There is also omitted from the bill \$137.55, under Provisions of the Navy, certified claims, on page 142 of said Executive Document, as follows:

No. 156, John Harrington	\$5.25
No. 37, Charles W. Livermore	70.50
No. 116, Frank M. Perry	1.80
No. 54, Christopher Stein	60.00
Total	137.55

There is, I am advised, no question of rations on receiving-ships in these cases; but for the same reasons as hereinbefore stated, I have the honor to suggest that the appropriation be made in the following form:

"PROVISIONS OF THE NAVY, CERTIFIED CLAIMS.

"To pay claims due the following-named persons, reported in Executive Document one hundred and forty-four, Fifty-first Congress, first session, at page one hundred

and forty-two: Number one hundred and fifty-six, John Harrington; number thirty-seven, Charles W. Livermore; number one hundred and sixteen, Frank M. Perry; number fifty-four, Christopher Stem; one hundred and thirty-seven dollars and fifty-five cents: Provided, that no part of this sum shall be used for the payment of any claim for rations on receiving-ships, or for the payment of any claim which may have been allowed under the decisions of the Supreme Court, which have been adopted by the accounting officers as a basis for the allowance of said claims which accrued prior to July sixteenth, eighteen hundred and eighty."

My object in calling your attention to this matter at this time is because I am persuaded that the committee, through some oversight, have omitted these claims, and as, in my view, such omission would be an act of great injustice to the claimants, I respectfully beg leave to call your attention to the matter.

I sent Mr. French, of this office, up this morning to see you in relation to the matter, but, not finding you in the committee room, he spoke to the clerk of the committee, Mr. Courts, in reference thereto, and at his suggestion this letter is written.

I trust that you will not regard this letter as any attempted interference upon my part with the appropriation bills before Congress, or in any way to influence the action of the committee in relation thereto. My idea was that the matters herein referred to had, by some oversight, been inadvertently omitted from the bill, and that you would be glad to have your attention called to any such omission.

I have the honor to be, very respectfully,

B. F. GILKESON,
Comptroller.

Hon. DAVID B. HENDERSON,
Committee on Appropriations.

○