IN THE SENATE OF THE UNITED STATES.

JANUARY 23, 1854.—Ordered to be printed.

Mr. STUART made the following

REPORT.

[To accompany Bill S. 156.]

The Committee on Public Lands, to whom was referred the petition of Jonathan Kearsley, late receiver of public moneys at Detroit, in the State of Michigan, and the petition of John Biddle, late register of the land office at the same place, report:

That they have examined the facts in each of these cases, the substance of which will be found embodied in the subjoined report, made to the Senate by Mr. Felch, from the Committee on Public Lands, January 14, 1850, and being of opinion that the petitioners are entitled to an adjustment of their accounts at the Treasury of the United States, they herewith report a bill for that purpose.

IN SENATE, JANUARY 14, 1854.

The Committee on Public Lands, to whom was referred the petition of Jonathan Kearsley, receiver of public moneys at Detroit, in the State of Michigan, and the petition of John Biddle, late register of the land office at the same place, respectfully report:

That for several years, including the years 1831, 1835 and 1836, the petitioners were register and receiver at the land office at Detroit, Michigan, and assiduously devoted themselves to the duties of their respective offices. The quantity of land sold, and the amount of business transacted, will be best indicated by a statement of the amount received on such sales during the three years above mentioned, which was as follows:

In 1831	$283,585 80
1835	600,646 54
1836	1,861,597 71

The extraordinary sales of the three years above mentioned, being more than were ever, before or since, made at that office in the same space of time, necessarily demanded much extra aid of clerks,

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in order to accommodate the applicants for purchases. The ordinary business of the office, when unaffected by any unusual pressure, required the constant services of the register and receiver, with a clerk always employed by each. The unprecedented amount of sales during the three years above specified compelled those officers either to refuse many of the applications for purchases, or to employ an additional number of clerks to transact the business. The public interest demanded that the latter course should be taken; and the petitioners seek to have restored to them the amount which they paid for that purpose.

"The receiver's compensation consists, under provisions of law, of a salary of $500 per annum, and a commission of one per cent. on money received and accounted for by him, with the limitation that the aggregate sum of these allowances shall not exceed $3,000 for any one year. In order to obtain the maximum of compensation, including the salary of $500, sales of land to the amount of $250,000 must be made in each year. This law was approved April 18, 1818, and at that time the amount therein specified was so large, compared with previous sales of public lands, that no one could have anticipated that a larger sum would ever be received at any office for the sales of a single year. The limitation upon his receipts was evidently founded upon the presumption that his expenses and labor would not be required beyond that which was necessary in disposing of lands to the amount of $250,000 in any one year. If sales were made to a greater amount, it is evident that additional clerks would be needed to perform the duty; and if the receiver was compelled to pay the extra clerk hire, his salary would be diminished by the amount so paid. This would present the anomaly of a salary increased in proportion to the labor and expense of the office to a given maximum, but diminished in proportion to the labor and expense above it. Thus if the sales amounted in a given year to $250,000, the receiver's salary would be $3,000; if the sales were doubled, and extra clerk hire to the amount of $1,500 were required to do the additional business, the receiver's compensation would be reduced by one-half.

"It was early determined at the Treasury Department that the maximum compensation could not be justly imposed, when and because the money received and accounted for on sales of public lands had exceeded the sum of $250,000, and it was long the practice to allow, at the accounting office, a credit of the amount actually paid by the receiver and register for clerk hire, in making sales above that amount. The claim of the petitioner was presented for like allowance, but being the first of its class that had been brought before the present Secretary of the Treasury, he referred the matter to the Attorney General for his opinion. That officer, in a written opinion, dated March 13, 1846, declared that 'the allowance, within reasonable limits, of actual expenses incured in procuring the services of necessary clerks, may be just and proper, but it is for the legislative department to determine whether the discretion shall be given to the Executive. In my opinion, such discretion has not been conferred by existing laws.'

"Under the construction given to the law at the department, before the opinion of the Attorney General was submitted, the following credits, of a character similar to the claim of petitioner, had been allowed:

John Findly	$628 30
Thomas A. Smith	1,981 05
Tuston Quarles	206 00
John Taylor (two years)	2,799 75
Charles C. Haskell	874 20
J. M. Lemmon	289 00
D. B. Miller (two years)	1,350 00

"After the opinion of the Attorney General was submitted, the claim of John Spencer, late receiver of public moneys at Fort Wayne, Indiana, being rejected by the accounting officers, was presented to Congress, and under an act authorizing the settlement of his accounts, upon equitable terms, the credit was subsequently given to him."

The same compensation to which the receiver is entitled is by law given to the register.

At the last session of Congress, two acts were passed and approved, extending the principle of reimbursement, for such expenditures, to Thomas C. Sheldon, late receiver, and Abraham Edwards, late register of the land office at Kalamazoo, Michigan.

It will be seen, by the above statement of the sales at the Detroit office, that the receipts exceeded $250,000 during the year.

1831, by	$33,585 80
1835, by	350,646 54
1836, by	1,615,597 71
Making, in three years, an aggregate of	1,999,839 05

Over $250,000 per annum; for the expenses attending which no remuneration has been received.

The bill herewith reported authorizes the auditing and settling of these amounts, and the payment of such balance as may be found justly due.