

MESSAGE

OF THE

PRESIDENT OF THE UNITED STATES,

IN COMPLIANCE WITH

A resolution of the Senate of January 30, 1855, asking for information relative to the causes of the delays in 1853 and 1854 in furnishing funds to defray the expenses of the western judicial district of Arkansas.

MARCH 2, 1855.—Read, ordered to lie on the table and be printed.

To the Senate of the United States :

I communicate to the Senate, herewith, a report from the Secretary of the Treasury, and, also, one from the Secretary of the Interior, with accompanying papers, containing information called for by the resolution adopted by the Senate, on the 30th ultimo, respecting the advance of public moneys to the marshal of the United States for the western district of Arkansas.

FRANKLIN PIERCE.

WASHINGTON, *February 9, 1855.*

TREASURY DEPARTMENT,
February 5, 1855.

SIR : I have the honor to state that the resolution of the Senate of the 30th ultimo, which you referred to me for a report thereon, requesting the President to "cause the Senate to be informed of the causes of the delays which have occurred during the years 1853 and 1854 in furnishing to the marshal of the western judicial district of the State of Arkansas the funds necessary to defray the expenses of the district court of the United States for the western judicial district," was immediately referred by me to the Comptroller of the Treasury, and he having made a full report upon the subject, I beg leave, herewith, to submit the same.

From this report it will appear that there has been no neglect or omission on the part of the officers concerned in providing, in due time, the funds required for the purposes mentioned in the resolution, under the necessary rules of the treasury established for the security of the public funds.

I am, with the highest respect,

JAMES GUTHRIE,
Secretary of the Treasury.

THE PRESIDENT OF THE UNITED STATES.

DEPARTMENT OF THE INTERIOR,
Washington, February 6, 1855.

SIR: On the 1st instant I had the honor to receive from you a resolution adopted by the Senate of the United States, on the 30th ultimo, which is in the following words, viz:

“Resolved, That the President be requested to cause the Senate to be informed of the causes of the delays which have occurred during the years 1853 and 1854 in furnishing to the marshal of the western judicial district of the State of Arkansas the funds necessary to defray the expenses of the district court of the United States for the western judicial district;” and in compliance with your directions I now proceed to state what has been done in the matter by this department, so that it may be seen whether any such delays as the Senate’s resolution presupposes have occurred or not.

I will first remark, however, that whenever applications are made by the disbursing officers of the department for advances of public money, inquiry is instituted with a view of ascertaining what necessity, if any, exists for such advance, and whether the condition of the accounts of the officer making the application is such as to warrant the placing of more money in his hands.

Applications made by the United States marshals are referred to the First Auditor of the Treasury, who receives and audits their accounts, to ascertain whether all the returns required by law have been received at his office, the amount due the United States at the date of the last settlement, the amount of vouchers subsequently received, &c.

Reference is then made to the Register of the Treasury, to know whether any advances have been made to the marshal since the last settlement of his accounts, and the information thus obtained is submitted to the First Comptroller of the Treasury—who revises the First Auditor’s settlement—for his opinion as to the amount which, in view of all the facts, it would be proper or necessary to furnish the marshal.

On the 3d of January, 1853, there was received at this department, from the marshal of the western district of Arkansas, a letter dated the 15th of the preceding month, acknowledging the receipt of \$8,250, remitted to him on the 1st of September, and requesting a further remittance of \$4,500, to pay expenses already incurred, and to meet the estimated demands of the May term of 1853. This application was referred to the First Auditor of the Treasury on the 5th of January, with the usual inquiries, and it was returned to the department, by the First Comptroller of the Treasury, in a letter dated the 14th of March, 1853, in which he declined recommending a further advance at that time, for reasons assigned in a letter to the marshal dated the 11th of that month, which reasons were stated as follows: “In the present state of your accounts, showing by your own statement \$8,778 76 unaccounted for, and, by the Auditor’s statement, showing over \$10,000, I cannot advise any further advance until you send on more vouchers, and also your emolument account and estimates more in detail, of moneys required for further expenditures.”

On the 1st of April, 1853, the marshal asked an advance of \$2,923 20. His request was received at this department on the 19th of April, and referred to the First Auditor on the day following. The Comptroller

returned it, advising the advance of \$2,000, for which sum a requisition was drawn upon the treasury on the 23d of April.

On April 2, 1853, he applied for the further sum of \$12,000, to meet the expenses of the May term.

This application was received at the department on the 19th of April, and on the 23d referred to the accounting officers for the usual examination.

As it appeared there was in the hands of the marshal, unaccounted for at the last settlement, the sum of \$9,834 67, and as \$2,000 was advanced on his application of the 1st of April—making \$11,834 67—the Comptroller advised that only \$5,000 be sent him, which would make the sum of \$16,834 67 in his hands to be accounted for, being within a fraction of \$3,000 of the amount of the penalty of his bond. Accordingly a requisition was drawn upon the Secretary of the Treasury on the 29th of April, in favor of the marshal, for the sum of \$5,000.

No application for funds was made by this marshal subsequent to April 2, 1853. He was succeeded in office by the present incumbent, Samuel M. Hays, who was appointed June 16, 1853. The first application made by Mr. Hays was on September 1, 1853, but the copy of his official bond and oath of office not having been filed in the Comptroller's office, as required by law, no advance could be made to him.

His application was renewed on the 15th of December following. It was received on the 18th of January, and on the 19th referred to the accounting officers of the treasury; but the requisite copy of his bond still not having come to hand, the Comptroller advised the marshal of that fact by letter, dated the 21st of January. To this letter the marshal responded, under date of 6th of February, and enclosed a copy of his bond and oath of office.

This letter was referred to this department by the Comptroller on the 25th of February, and on the 2d of March a requisition was drawn upon the Secretary of the Treasury, in favor of the marshal, for \$11,200, the amount asked for by him.

On the 6th of April another letter was received from the marshal, dated March 23, 1854, asking a further advance of \$10,800; but \$11,200 having just been sent him, which he had not, and could not, have received on the 23d of March, the further advance requested was deferred until he should forward his accounts for the moneys forwarded to him, which accounts he stated were ready to be mailed as soon as the funds then expected should arrive.

On September 9, 1854, he made application for \$9,650, to pay the expenses of the ensuing November term of the court. His application was received on the 27th of September, and on the same day the First Auditor made the following report as to the condition of the marshal's accounts:

“Emolument account to December 31, 1853, this day received.

“No settlement made.

“Vouchers just received for \$6,652 90.”

In view of these facts, and because the marshal himself had admitted

that he had, at the commencement of the May term of court, a balance on hand of \$4,547 10, it became evident that the sum of \$10,800, asked for in his letter of 23d March, *was not needed for the purpose indicated*. The Comptroller, therefore, advised the advance of only \$6,600 to Marshal Hays at this time. In doing so, he said: "If he lived near by I should not recommend the advance of \$6,000, but the distance is so remote, and there may be a want of money to pay distant expenses, that I would advance the sum mentioned, and I shall write to the marshal to be prompt in sending his vouchers."

Pursuant to this advice, on the 28th of September I drew a requisition on the Secretary of the Treasury, in favor of the marshal, for the sum of \$6,000, the receipt of which was acknowledged by him on the 23d of October last.

The last application of the marshal was for funds to defray the expenses of the *November term*, 1854. It was dated *January 13*, 1855, and for \$18,134 68, being within \$2,215 32 of the amount estimated by him for the whole of the fiscal year ending June 30, 1855, including both the spring and fall terms of the court; and within \$1,165 32 of the amount estimated by him for the whole of the fiscal year ending June 30, 1856. This application was received on the 29th ultimo, and was on the same day referred to the accounting officers of the treasury.

The Comptroller, seeing that \$17,200 stood charged to the marshal on the books of the treasury, and that vouchers had been produced for the expenditure of \$14,302 20 only, and believing that \$10,000 in addition to the \$2,897 80 already in his hands, unaccounted for, would be sufficient to meet the demands upon him, advised the advance of that sum, and a requisition was drawn accordingly on the 31st ultimo.

Such is the action had by this department upon the applications of the marshal for funds to meet the judicial expenses of the United States courts for the western district of Arkansas. With what promptitude drafts, based on the requisitions of this department, have been issued and transmitted to the marshal by the officers of the treasury, and what particular facts influenced the advice received by me from time to time from the First Comptroller of the Treasury, respecting the applications of the marshal for advances, will doubtless fully appear from the report to you from that department.

In conclusion, I may be permitted to remark that, while it is manifestly the duty as it has been the endeavor of the department to supply all its disbursing agents promptly with the necessary funds to meet the public demands upon them, it is equally obligatory upon it to exact of them a rigid accountability, and to guard against a useless and undue accumulation of public moneys in their hands. The large increase in the expenditures for the support of the United States courts renders a vigilant watchfulness over the accounts of the marshals eminently proper, especially in view of the fact that their demands for funds have so far exceeded their annual estimates that more than half the appropriation for the fiscal year ending the 30th of June, 1855, was drawn from the treasury prior to the first of January last.

I transmit copies of the several requisitions herein referred to, and of the papers connected therewith, which show more in detail the action had thereon, and will add that they constitute all the applications made

to this department by the marshal of the western district of Arkansas in any manner.

I have the honor to be, very respectfully, your obedient servant,

R. McCLELLAND,

Secretary.

To the PRESIDENT OF THE UNITED STATES.

TREASURY DEPARTMENT,

Comptroller's Office, January 20, 1854.

SIR: A requisition has been transmitted to this office for my advice in the case of Samuel M. Hays, marshal of the western district of Arkansas, for \$11,200. On examination, it is found that no bond or oath of office from him has reached this office. I have written to him to forward without delay his bond and oath of office, that the transaction of the public business may proceed with due regard to law.

I return herewith the requisition, which is dated January 20, in the Auditor's office.

Respectfully, yours,

ELISHA WHITTLESEY,

Comptroller.

Hon. R. McCLELLAND,

Secretary of the Interior.

U. S. MARSHAL'S OFFICE, WESTERN DISTRICT, ARK.,

Van Buren, Arkansas, September 1, 1853.

SIR: I shall need eleven thousand two hundred dollars to meet the expenses of the November term of the United States district court, for the western district of Arkansas, under the following heads, to wit:

Compensation of grand jurors.....	\$900
Compensation of petit jurors.....	900
Witnesses.....	1,900
Marshal.....	1,500
Contingent expenses of court.....	300
Jailor's fee and expense of supporting prisoners.....	5,000
Expense of commissioner's court, and transporting prisoners, &c.....	700
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	11,200

Our court convenes on the second Monday in October next, and I have no doubt but that all of the above amount will be required to meet the expense of court.

I am, sir, most respectfully, your obedient servant,

SAMUEL M. HAYS,

U. S. Marshall, western district of Arkansas.

Hon. ROBERT McCLELLAND,

Secretary of Interior.

U. S. MARSHAL'S OFFICE, WESTERN DISTRICT, ARK.,
Van Buren, Arkansas, December 15, 1853.

SIR: On the first day of September last, an estimate of the expense for the November term of the United States court for this district was sent to you, and I have not heard a word from you since.

If you have not sent the means before this reaches you I hope you will forward them immediately; the court is now over and there was not a dollar to defray the expense, which caused me a great deal of trouble; the amount supposed at that time was eleven thousand two hundred dollars, which was as follows, viz:

Compensation to grand jurors.....	\$900
Compensation to petit jurors.....	900
Witnesses.....	1,900
Marshals.....	1,500
Contingent expenses of court.....	300
Jailor's fees and expense of supporting and clothing prisoners	5,000
To defray expense and transporting prisoners.....	700
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	11,200

I have a way of estimating exactly the amount, but the court did not hold as long as it was expected, so that it may not have cost more than ten thousand dollars.

I am, sir, most respectfully, your obedient servant,

SAMUEL M. HAYS,

U. S. Marshal for the western district of Arkansas.

Hon. ROBERT McCLELLAND,
Secretary of Interior.

TREASURY DEPARTMENT, COMPTROLLER'S OFFICE,
February 25, 1854.

SIR: I herewith enclose to you a letter from Samuel M. Hays, esquire, marshal of the western district of Arkansas, dated Van Buren, Arkansas, February 6, 1854.

With this letter, a certified copy of Mr. Hays' oath of office and bond was received, and is on file in this office.

Very respectfully, yours,

ELISHA WHITTLESEY,
Comptroller.

Hon. R. McCLELLAND,
Secretary of the Interior.

U. S. MARSHAL'S OFFICE, VAN BUREN, ARKANSAS,
February 6, 1854.

SIR: By the last mail I received a communication from you stating that I had not transmitted my bond and oath of office; by a copy herewith enclosed you will see that my bond and oath of office was

transmitted to the Secretary of State on August 12, 1853, but, fearing it has been mislaid, I herewith enclose them again. I received a communication from the Secretary of the Interior of July 15, requesting me to send the estimates of my office for the year 1855. I made them out, also the estimates for the November term of the United States court, and mailed them on September 15, and I received no answer from it, and on the 15th December following I made them out again, and in answer I received yours of January 21. Now, if there is any other excuse in the way please let me know by return mail; if not, I hope you will, without delay, send me the amount of said estimates, as there has not been a dollar furnished me to pay expenses.

I am, sir, your obedient servant,

S. M. HAYS,

U. S. Marshal for the western district of Arkansas.

ELISHA WHITTLESEY,

First Comptroller, Washington City, D. C.

DEPARTMENT OF THE INTERIOR,

Washington, March 8, 1854.

SIR: Evidence having been received at this department of the filing of your official bond, I have caused a requisition to be drawn upon the Secretary of the Treasury in your favor for \$11,200, in pursuance of your request of the 15th of December last, a draft for which will be remitted you at once.

I am, sir, very respectfully, your obedient servant,

R. McCLELLAND,

Secretary.

S. M. HAYS, Esq.,

U. S. Marshal, western district, Van Buren, Arkansas.

U. S. MARSHAL'S OFFICE FOR THE

WESTERN DISTRICT OF ARKANSAS,

Van Buren, March 23, 1854.

SIR: I shall need, to meet the expenses of the coming May term of the United States district court for the western district of Arkansas, the annexed amount for the following purposes, to wit:

Compensation to grand jurors.....	\$800
Do.....petit...do.....	750
Do.....witnesses.....	1,800
Do.....marshal, deputies, and criers.....	1,600
Contingent expenses of court.....	400
Jailor's fees, and expenses of supporting prisoners.....	4,800
To defray expenses and transporting prisoners.....	650
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	10,800
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Under existing circumstances it would be difficult to state the condition of the accounts, as required by law, to the department, inasmuch as my predecessor had no fund to hand over; and the requisition made for \$11,200, under date of September 1, 1853, (and a copy of the same remitted December 15, 1853,) not having to this date been received. The accounts are ready to be mailed as soon as the funds will arrive, which I am anxiously anticipating daily. From the above requisition you will perceive that no mention is made as regards the per diem and mileage of witnesses before the commissioner, from whom I learn the amount will be large; *possibly* the above requisition may be sufficient to cover this expense.

I would further respectfully remark that, from the non-acceptance of the funds to defray the expenses of this court, &c., witnesses, especially, will not present their certificates for payment, knowing the fact, and very many are obliged to suffer a heavy discount on them rather than await the arrival of the means to liquidate the same.

Respectfully, your obedient servant,

S. M. HAYS,

U. S. Marshal of the western district of Arkansas.

UNITED STATES MARSHAL'S OFFICE,
Van Buren, Arkansas, September 2, 1854.

DEAR SIR: Herewith please receive a statement of the fees and emoluments of my office from the time I came into office, (July 21, 1853,) to the 1st December, 1853, which I should have forwarded to you some time since, but for some of my deputies, who have gone to California or somewhere else, so that I could not get them to swear to their accounts, until recently, and in one instance I have failed, that is with J. B. Blake, whose account is enclosed with the others, as you will perceive.

The business that I am doing is very dangerous, laborious and complicated, and very expensive, it being altogether in the Indian country. You will see that almost one-half of my accounts consist of expenses at two dollars per day, which is the lawful allowance, but which, in a majority of instances, comes short of paying the *real* travelling expenses in the Indian country. So you see, let it cost me what it will, two dollars is all that I can charge for by law.

I hope you will excuse me for delays and informality, as it was altogether a new business to me, and I had nothing to be governed by.

My predecessor in office here had no books of any kind, and never turned anything over to me but a few blank forms, without any instructions or laws whatever, which I hope you will consider as a sufficient reason for some of my delays and delinquencies.

I would like you to furnish me with all the laws and necessary instructions for my office, and for the future I will endeavor to be more prompt in sending up my accounts.

My fees and emolument account for the half year ending May 31, 1854, is all ready, but I had rather not send it until I get answer about the November account, which I now furnish, when I hope to be able and know better how to make my returns.

I sent a requisition for money, dated March 23, 1854, (say \$10,800,) which I have never heard of, except that it was received by the department. That requisition was to defray the expenses of the May term of our court, and the time has passed that the accounts for that time were to be sent up, but it is impossible for me to send them without money to pay them off, you know. Therefore, I hope you will send me the amount immediately, so as to enable me to comply with that part of the law. There was a balance of \$4,547 10 on hand after defraying the expenses of the November term of court, 1853, which was used in paying the expenses of the May term of the court, 1854, so far as it went, but it was not near half enough to pay the expenses of that court, and the expenses of the commissioner's court, which is in session almost every week. The witnesses in attendance on that court, in many instances, are brought one or two hundred miles, and have to be detained frequently until others are brought by attachments, and necessary guard fees, &c., which require money continually to defray and pay their expenses.

The money not coming has subjected me to very great inconvenience about paying those expenses, which I hope you will consider, and transmit it immediately.

With respect, I am your most obedient servant,

SAMUEL M. HAYS, *Marshal.*

Hon. ELISHA WHITTLESEY, *Comptroller.*

DEPARTMENT OF THE INTERIOR,

Washington, September 26, 1854.

SIR: I have received your letter of the 2d instant, enclosing your emolument account from the 21st July, 1853, the date of your taking office, to the 1st December, 1853, and requesting that you be furnished with the necessary laws and instructions for your office, and also calling my attention to your requisition of 23d March last, for \$10,800, and in reply, have to say that your emolument account is defective as to time. It should have been from the date of your taking office to the 31st of December, 1853. Your account from the 1st of January to the 30th June, 1854, is also due. I enclose you herewith a blank form for emolument accounts, and you are requested to render a new account for the fractional half year ending the 31st December, 1853, and also your account for the half year ending 30th June, 1854.

Your application for the laws of the United States should be made to the State Department, which is authorized by law to distribute them.

In relation to your requisition, it was suspended for the reason that, on the 8th of March last, a remittance of \$11,200 was made to you, which it is supposed you had not received at the date of your requisition of the 23d of that month. The application will be again considered, and you will be duly advised.

I am, sir, respectfully, your obedient servant,

R. McCLELLAND, *Secretary.*

SAMUEL M. HAYS,

United States Marshal, Van Buren, western district Arkansas.

UNITED STATES MARSHAL'S OFFICE,
Western District of Arkansas, September 9, 1854.

SIR: Yours of the 16th August has just come to hand, and as there will of necessity be expenses for the year 1856 asked, for which I cannot at this time make out an estimate, I will have to beg your indulgence until the next mail.

I shall need nine thousand six hundred and fifty dollars to meet the expenses of the November term of the United States district court for the western district of Arkansas, under the following heads, viz :

Compensation to grand jurors.....	\$800
Do.....petit jurors.....	850
Do.....witnesses.....	1,800
Do.....marshals.....	1,600
Contingent expenses of court.....	300
Defraying expenses and transporting prisoners.....	800
Jailor's fees and support of prisoners.....	2,000
Expenses of marshal's guards and witnesses in commissioner's court.....	1,500
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	9,650
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Our court commences on the second Monday in November, and I have no doubt but that all of the above amount will be required to meet the expense of the court, and I hope you will forward the amount without delay.

I made an application dated the 23d of March, for \$10,800, and received an answer of the 7th of April, stating that it had come to hand; it was money to defray the expense of the May term of the district court for this district, and I have never heard from it since; can you inform me what has caused the delay? I have forwarded my emolument account for my first term of service, viz: from the 21st of July, 1853, (the time I came into office,) which should have been forwarded sooner, but as I have stated to you before, my predecessor, Mr. Knox, had no books, papers, or anything by which I should be governed, except a fee bill, and blanks for jurors and witnesses, and the only instructions I have from the department are those you sent me. My emolument account for fees, &c., from January until July is ready, but I am waiting until I get an answer from my first, so that I can remedy any defect that may have occurred for want of proper forms. Please address me at this place.

Respectfully, your obedient servant,

S. M. HAYS,

U. S. Marshal for the western district of Arkansas.

HON. R. McCLELLAND,

Secretary of the Interior.

TREASURY DEPARTMENT,
Comptroller's Office, September 27, 1854.

SIR: I have advised to advance to Samuel M. Hays, marshal of the

western district of Arkansas, \$6,000. His requisition was drawn in March last for the May term following.

At that time there was charged to him on the books of the Register for an advance of \$11,200, without his having returned any vouchers. It appears, from the endorsement of the First Auditor, that vouchers have been just received to the amount of \$6,652 90.

In Mr. Hays' letter to me, dated the 3d of this month, he said he had at the commencement of the May term \$4,549 10, which was not enough to pay one-half of the expenses. He should have sent the vouchers of money paid at the May term, so that it might be known how much he had spent of *that* balance, or whether he had spent the whole of it. If he lived near by I should not recommend the advance of \$6,000, but the distance is so remote, and there may be a want of money to pay distant expenses, that I would advance the sum mentioned, and I shall write to the marshal to be prompt in sending his vouchers.

Most sincerely, yours,

ELISHA WHITTLESEY.

Hon. ROBERT McCLELLAND,

Secretary of the Interior.

DEPARTMENT OF THE INTERIOR,

Washington, September 29, 1854.

SIR: Your letter of the 2d instant, calling my attention to your requisition of the 23d of March last for \$10,800, having been referred, with that requisition, to the Comptroller of the Treasury, that officer advises that the sum of \$6,000 only be advanced to you at this time. I have, therefore, caused a requisition to be drawn upon the Secretary of the Treasury in your favor for the latter sum, which will be remitted to you at once.

I am, sir, very respectfully, your obedient servant,

R. McCLELLAND,

Secretary.

S. M. HAYS, Esq.,

U. S. Marshal, Van Buren, W. D. Arkansas.

UNITED STATES MARSHAL'S OFFICE,

Van Buren, Arkansas, October 23, 1854.

SIR: Herewith, please receive my receipt for draft of \$6,000, which should have been sent to me six months since. On the 9th of September last, I forwarded to the Secretary of the Interior a requisition for \$9,650 to defray the expense of the November term of our district court, which I have not heard of since. I do hope it will come by that time, for it is very difficult to get witnesses to attend when many of them have to travel from two to three hundred miles, and not a dollar here to pay them with. Time has been when certificates of witnesses could be sold here at ten per cent. discount, (which was a great hardship on them, for the whole amount scarcely pays their actual expenses,) but now they are hard to sell at any price, and what better

can be expected when the expense of each court (commissioner's courts not included) amounts to from seven to ten thousand dollars, and the requisition is made for that amount in due time, and after the lapse of six months \$6,000; when I ask the cause of such delays, I am told my accounts have not come in due time; it is true the emolument accounts might and shall be sent, but the accounts that this money is to pay should have been paid and forwarded last June, but I hope it will not be the case any more; excuse me for troubling you with this matter.

Your obedient servant,

SAMUEL M. HAYS,
United States Marshal.

J. CASEY, Esq.,
Treasurer of the United States, Washington city, D. C.

TREASURY DEPARTMENT,
Comptroller's Office, January 30, 1855.

SIR: In answer to the reference from your office of the requisition of Samuel M. Hays, esq., marshal for the western district of Arkansas, wherein he asks the sum of \$18,134 68 to be remitted to him for the purpose of defraying the expenses of the United States courts in said district, for my opinion as to the propriety of advancing said amount or any part thereof, I respectfully advise that no more than \$10,000 be advanced at this time.

Said marshal stands charged upon the books of the treasury with the sum of \$17,200. The First Auditor states that he has rendered accounts against said charge, to the amount of \$14,302 20. Leaving, even if the whole amount of said accounts were allowed, \$2,897 80 yet to be accounted for; which added to the \$10,000 now proposed to be advanced, will leave him accountable for \$12,897 80; a sum which seems to me to be a large amount to stand to the debt of the marshal of said district. He states that the "commissioner's court was held pretty nearly every day after the May term of the district court adjourned, up to the commencement of the November term, at which witnesses and guards were continually in attendance."

Such a protracted period of preliminary examinations would be extraordinary in any of the judicial districts of the United States where the largest amount of business was done, but why there was necessity for it in the western district of Arkansas is to me incomprehensible—and I do not think that money should be remitted to meet expenses incurred under such circumstances without the most full and satisfactory explanations.

Yours, respectfully,

ELISHA WHITTLESEY,
Comptroller.

HON. ROBERT McCLELLAND, *Secretary of the Interior.*

UNITED STATES MARSHAL'S OFFICE,
Van Buren, Arkansas, January 13, 1855.

SIR: I made a requisition, dated September 9, 1854, for \$9,650, to defray the expenses of the November term of court, which was begun

and held, commencing November 8, and continuing 28 days. I had on hand, after paying the expenses of the May term of court, held at this place, 1854, \$2,897 80; but all the accounts, at the time I made my account current, had not been presented for payment, which is about \$600.

The commissioner's court was held pretty nearly every day after the May term of the district court adjourned, up to the commencement of the November term, at which witnesses and guards were continually in attendance, and had to be paid—so you see that the small amount left over after paying the May term expenses was, necessarily, very soon expended—and yet, we are without means to defray expenses of any kind, and still, I have not heard from you at all relative to my demands.

I here make an estimate of the expenses of the November term of court, but on account of not having means to pay these expenses, the aggregate amount of the different abstracts cannot be correctly arrived at, they are as follows:

The amount due on abstract No. 1, is.....	\$934 60
Do.....do..... 2,.....	1,051 50
Do.....do..... 3, not complete.....	4,478 70
Do.....do..... 4,.....	6,801 17
Do.....do..... 5,.....	4,468 24
Do.....do..... 6,.....	394 47
	<hr/>
	18,134 68
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Now deduct these from the balance on hand after paying the whole May term expense, there will still be left unpaid near \$16,000 of what I know to be unpaid, and I think there is at least two thousand dollars more that has not been presented at all, which will still leave unpaid eighteen thousand dollars of the November term of the United States district court. The estimates hereto appended are real, as far as they go, and I do most sincerely hope you will cause to be sent to me, without delay, the whole amount you see enumerated; it must be obvious to you that I cannot make out my accounts without money first to pay them here.

Respectfully, your most obedient servant,

SAMUEL M. HAYS,
United States Marshal.

Hon. R. McCLELLAND,
Secretary of Interior, Washington City.

DEPARTMENT OF THE INTERIOR,
Washington, January 31, 1855.

SIR: Your requisition of the 13th instant, for \$18,134 68, was received at this department on the 29th, and on the same day referred to the accounting officers of the treasury in the usual manner, with the

view of ascertaining the condition of your accounts. I have this morning received, from the Comptroller of the Treasury, a letter of the 30th instant, advising that not more than \$10,000 be advanced to you at this time, and assigning the reasons therefor. A copy of his letter is herewith enclosed.

I desire to call your particular attention to the Comptroller's extract from your letter, and also to that part of the Comptroller's letter wherein he says: "*Such a protracted period of preliminary examinations would be extraordinary in any of the judicial districts of the United States where the largest amount of business is done, but why there was necessity for it in the western district of Arkansas is to me incomprehensible. And I do not think that money should be remitted to meet expenses incurred under such circumstances without the most full and satisfactory explanations.*"

And I have to request that you will, without delay, furnish the department such full and satisfactory explanation of the whole subject.

As it appears that complaints have been made that unnecessary delays have occurred in forwarding money to the marshal of the western district of Arkansas during the years 1853 and 1854, and as communications may have been addressed to this department which have never reached it, I have to request that you will, without delay, forward me a list of the communications addressed to this department by you, with a brief statement of their contents, and that you will particularize such of the cases which, in your opinion, have not been attended to with sufficient promptness.

In pursuance of the Comptroller's suggestion, I have caused a requisition to be drawn upon the Secretary of the Treasury in your favor for \$10,000, which will be remitted to you at once.

I am, sir, very respectfully, your obedient servant,

R. McCLELLAND,

Secretary.

S. M. HAYS, Esq.,

U. S. Marshal, Van Buren, W. D. Ark.

U. S. MARSHAL'S OFFICE, WESTERN DISTRICT, ARK.,

Van Buren, December 15, 1852.

SIR: The sum of \$8,250, sent to me in compliance with my requisition made on the 1st September last, to meet the expenses of the November term of the district court, has been expended, and there yet remain to be paid accounts amounting to about \$2,500.

I shall also need about \$2,000 to meet the expenses of commissioner's courts, and other incidental expenses, which will accrue between this and the May term of 1853.

You will, therefore, be pleased to send me a draft for four thousand five hundred dollars, to meet the requirements above named.

I am, sir, very respectfully, your obedient servant,

G. W. KNOX,

U. S. Marshal, W. D. Ark.

HON. ALEX. H. H. STUART,

Secretary of the Interior, Washington, D. C.

U. S. MARSHAL'S OFFICE, VAN BUREN, ARK.,
January 31, 1853.

SIR: On the 15th December last, I had the honor of addressing you, and informing you that the sum of \$8,250, sent me in compliance with my requisition made on the 1st September last to meet the expenses of the November term of the United States district court, had been expended, and that there yet remained to be paid accounts, amounting to about twenty-five hundred dollars, and also informing you that I should need about two thousand dollars to meet the expenses of commissioner's courts, and other incidental expenses that will accrue between them and the May term next, and at the same time making a requisition for four thousand five hundred dollars to meet the above named requirements.

To that communication I have as yet received no answer. Fearing that by some mishaps my letter may have miscarried, I am induced to address you again on the subject, and request that if the amount of said requisition has not already been forwarded, that it may be done without delay.

I am, with much respect, your obedient servant,

GEORGE W. KNOX,
U. S. Marshal, W. D. Ark.

HON. ALEX. H. H. STUART,
Secretary of the Interior, Washington, D. C.

TREASURY DEPARTMENT,
Comptroller's Office, March 14, 1853.

SIR: The requisition of George W. Knox, esq., the marshal of the western district of Arkansas, for \$4,500, is herewith returned to you. Under the circumstances and the condition of his accounts, I cannot advise any advance to him. My reasons are stated in my letter to him of the 11th instant, a copy of which is herewith enclosed to you. He should send on more vouchers, show a better state of his accounts, and make his estimates more in detail, before I can advise a further advance.

I am, sir, very respectfully yours,

ELISHA WHITTLESEY.

HON. ROBERT McCLELLAND,
Secretary of the Interior.

TREASURY DEPARTMENT,
Comptroller's Office, March 11, 1853.

SIR: Your letter of February 14th has been received. Your requisition of December 15th is in this office, and your accounts for the November term of your courts, 1851, the May term 1852, were received from the First Auditor in December last, but have not been finally acted upon here. In your last account you admit a balance in your hands of \$528 76. Since the date of which, on the 25th September,

1852, there was sent to you \$8,250, making \$8,778 76, besides several items suspended and some disallowed.

The clerk of your court has never rendered any emolument account, and you and the district attorney are in default in not rendering your emolument accounts to December 31, 1852. There was no occasion for you to draw a further requisition, until after you had rendered your account for the fall term of the year 1852.

In the present state of your accounts, showing by your own statement \$8,778 76 unaccounted for, and by the Auditor's statement, showing over \$10,000, I cannot advise any further advance until you send on more vouchers, and also your emolument account, and estimates more in detail of moneys required for future expenditures. Requisitions should state the amount needed under each principal head of expenditure, and the terms for which the same will be required.

Most sincerely yours,

ELISHA WHITTLESEY.

GEORGE W. KNOX, Esq.,

Marshal, &c., Van Buren, Arkansas.

U. S. MARSHAL'S OFFICE, WESTERN DISTRICT, ARK.,
Van Buren, March 31, 1853.

SIR: Your letter of 11th March, in reply to mine of 14th February, was received.

You say that there was no occasion for me to draw a further requisition until after I had rendered my accounts for the fall term of the year 1852. In reply, permit me to refer you to my letter of the 15th December to the Secretary of the Interior, and also to that which you reply to, by which you will see that the requisition was made in part to cover the expenses of that term.

By my accounts, forwarded by this mail to the Secretary of the Interior, it will be seen that the *amount of three thousand three hundred and twenty-five dollars and fifty-seven cents* is due by the United States on the expenses of the last term, to meet which I have in hand, as per my account current, *one thousand four hundred and two dollars and thirty-seven cents*. I have not been placed in funds to meet the expenses of commissioner's courts held since last November term, and which may be held before next May term. The amount which was due, and the expenses to be met, were surely sufficient "occasions" to justify my requisition.

I did not suppose it to be the policy of the government to require disbursing officers to meet the expenses of the government out of their private means, and, having given the bonds and security required by law, I supposed that the government had ample security for the sum in my hands.

I cannot exactly see the reason or justice of suspending my accounts because other officers have not done their duty in forwarding their emolument accounts; but I presume that this difficulty will be removed, as the clerk and district attorney inform me that their emolu-

ment accounts for the November term, 1851, and May term, 1852, have been forwarded, and that they will soon forward those for the last November term.

I have made a second requisition for the amounts needed to cover the expenses of the last term and to meet the expenses of the next term, and I hope there will be no delay in remitting, as I have forwarded vouchers for a large portion of the expended funds, and the May term is near at hand, and the "occasion" for making a requisition must be apparent.

I have the honor to be, sir, your most obedient servant,

GEO. W. KNOX,

U. S. Marshal, western district Arkansas.

ELISHA WHITTLESEY, Esq.,

First Comptroller of the Treasury of the U. S.,

Washington, D. C.

U. S. MARSHAL'S OFFICE, WESTERN DISTRICT ARK.,

Van Buren, Arkansas, April 1, 1853.

SIR: I have the honor herewith of transmitting account current with the United States for the November term, 1852, of the United States district court of the western district of Arkansas.

I have excluded from the account vouchers No. 1, 3, and 6 of abstract No. 6, amounting in the aggregate to \$3,325 57. These I shall forward so soon as I shall be supplied with the means to pay them in full. My account current, as rendered, shows an unexpended balance in my hands of \$1,402 37.

I shall need, in addition to the balance in my hands, \$1,923 20 to pay the vouchers 1, 2, and 3 of abstract 6, and in addition, I shall require \$1,000 to meet the expenses of commissioner's courts which may be held before the May term, 1853, and to pay expenses which have already accrued in commissioner's courts since the last November term, making together the sum of \$2,923 20, for which please forward me a draft at an early day.

I have the honor to be, sir, most respectfully, your obedient servant,

GEO. W. KNOX,

U. S. Marshal, western district Arkansas.

HON. ROBERT McCLELLAND,

Secretary of the Interior, Washington, D. C.

U. S. MARSHAL'S OFFICE, WESTERN DISTRICT, ARK.,

Van Buren, April 2, 1853.

SIR: I shall need \$12,000 to meet the expenses of the May term of the United States district court for the western district of Arkansas under the following heads:

Compensation to jurors, grand and petit.....	\$2,800
Do.....witnesses.....	1,500
Ex. Doc. 72—2	

Compensation to clerk and attorney.....	\$300
Do.....marshal.....	200
Contingent expenses.....	200
Costs taxed by court in criminal cases, district attorney and clerk's fees.....	2,500
Jailor's bill.....	2,500
Marshal's fees.....	2,000
	<hr/>
	12,000

Our court convenes on the second Monday in May, and I have no doubt but that all of the above amount will be required to meet the expenses of the court. We had a very large criminal docket last court, and the present prospect is that such will be the case at the next term. The large disbursements of money by our government to the Indian tribes on our border tending to foster a spirit of indolence and the vice and crime resulting from the frequent introduction of spirituous liquor among them, will tend to enlarge the expenses of the federal court here.

There has as yet been no civil suits in our court.

Hoping that the amount required as above will be forward as early as possible, I am, sir, most respectfully, your obedient servant,

GEO. W. KNOX,

U. S. Marshal.

HON. ROBERT McCLELLAND,

Secretary of the Interior, Washington, D. C.

UNITED STATES MARSHAL'S OFFICE,

Van Buren, Arkansas, April 4, 1853.

SIR: Enclosed please find my *emolument account as United States marshal for the western district of Arkansas, against the United States for \$1,846 68.

As I have forwarded my account for November term, 1852, I hope you will advise the funds to be forwarded for which I have made requisition, as our May term is near at hand.

Very respectfully, your obedient servant,

GEO. W. KNOX,

U. S. Marshal, western district Arkansas.

HON. ELISHA WHITTLESEY,

Comptroller of Accounts, Washington city, D. C.

MARSHAL HAYS' CASE.

Report to the Secretary of the Treasury by the Comptroller.

TREASURY DEPARTMENT,

Comptroller's Office, February 2, 1855.

SIR: I received from you to-day the copy of a resolution in the following words and figures:

* Referred to Colonel Taylor, April 26, 1853.

"IN THE SENATE OF THE UNITED STATES.—JANUARY 30, 1855.

"*Resolved*, That the President be requested to cause the Senate to be informed of the causes of the delays which have occurred during the years 1853 and 1854 in furnishing to the marshal of the western judicial district of the State of Arkansas the funds necessary to defray the expenses of the district court of the United States for the western judicial district.

"Attest:

ASBURY DICKENS,

"*Secretary*."

In obedience to your instructions, I submit the following report, so far as the facts have come to the knowledge of this office; and, for their being better understood, I deem it to be proper to state the official routine of business on the requisition of a marshal, and to refer to two laws pertinent to the subject.

A requisition of a marshal being in possession of the Secretary of the Interior, he sends it to the First Auditor for information. It is placed in his hands first, because the marshals are required to send their accounts and vouchers to him. He endorses on the requisition the balance of the account at the last settlement, if a settlement has been made, and the amount of the vouchers since received.

The First Auditor having made his endorsement, he sends the requisition to the Register of the Treasury. It is sent to him because, when money is advanced to a marshal, the amount is charged against him on the books of the Register. He endorses on the requisition the amount (if any) that has been advanced since the last settlement. The Register sends the requisition to the First Comptroller. It is sent to him because he revises the finding of the First Auditor, and the balance may have been materially changed.

Having all the information in his possession, he endorses on the requisition the sum which in his opinion may be advanced. This is only advisory.

The requisition is returned to the Secretary of the Interior, and he, having all the information in his possession the three officers can furnish, draws his requisition on the Secretary of the Treasury for such sum as he thinks proper to advance.

By the 27th section of the act of September 24, 1789, a marshal is required to give a bond in the sum of twenty thousand dollars, and to take an oath of office, before he enters upon his duties. (Vol. 1, p. 87.)

The forepart of the 1st section of an act approved January 31, 1823, "Concerning the disbursement of public money," prohibits the advancement of public money, but then follows a proviso: "That it shall be lawful, under the especial direction of the President of the United States, to make such advances to the disbursing officers of the government as may be necessary to the faithful and prompt discharge of their respective duties, and to the fulfilment of the public engagements." On March 21, 1853, a list of the disbursing officers, including the marshals, was presented to the President, and he returned it with the following directions:

“WASHINGTON, *March 22, 1853.*

“I hereby direct that such advances be made from time to time to the disbursing officers above named as may be necessary to the faithful and prompt discharge of their respective duties, and to the fulfilment of the public engagements; but in no case where the agent is to give security shall the amount in his hands at any one time exceed the amount of his security.

“FRANKLIN PIERCE.”

The precautionary measures mentioned are necessary to keep advances to marshals within the restrictions of the law and the instructions of the President. Samuel M. Hays, esq., was commissioned by the President marshal of the western district of Arkansas on the 16th of June, 1853.

He sent a requisition to the Secretary of the Interior, dated September the 1st, 1853, as I am informed, to pay the expenses of court at the November term, but the Secretary having ascertained that copies of Mr. Hays' bond and oath had not been received in this office, and expecting their timely arrival, did not transmit it to the different offices mentioned, for information, as the advance could not be legally made.

He drew a second requisition on the 15th of December, 1853, the estimated expenses of the previous November term. The Secretary of the Interior, for the purpose of ascertaining whether the copies of the bond and oath were then received, transmitted that requisition to the First Auditor on the 19th of January, 1854. He received it on the 20th, and on that day he sent it to this office, and said copies not having been received at that date, I communicated the information to the Secretary of the Interior in a letter dated the 20th, and stated that no advance could be made under the law. A copy of that letter is designated A. In that letter I mentioned I had written to Mr. Hays, but probably the letter was retained by discovering an error in it, as I find the one sent bears date the 21st of January, 1854. A copy of it is marked B.

Mr. Hays addressed a letter to this office on the 6th of February, 1854, and enclosed copies of his bond and oath. They were received on the 24th. On the 25th I informed the Secretary of the Interior of the receipt of said copies, and transmitted Mr. Hays' letter to him. A copy of said letter is marked C.

The requisition of December 15, 1853, was returned to this office on the 6th of March, 1854, and on the same day I advised the advance of said sum of \$11,200. The Secretary of the Interior drew a requisition on the Secretary of the Treasury on the same day, and on that day the Secretary of the Treasury issued his warrant to advance said sum, which was countersigned in this office and sent to the treasurer for payment.

The Treasurer drew a draft on the depository at Little Rock, Arkansas, on the 7th, and being duly registered and certified by the Register of the Treasury, it was remitted on that day to Mr. Hays, at Van Buren, Arkansas. The second requisition drawn by Mr. Hays was dated March 23, 1854, for the expenses of the May term following, estimated at \$10,800. As \$11,200 had been advanced to him on the 7th, the

Secretary of the Interior did not send this requisition to the offices for information on its receipt.

The third requisition drawn by Mr. Hays was dated September 9th, for \$9,650, to pay the expenses of the November term, and he urged immediate action thereon. The Secretary of the Interior received this requisition on the 27th of September, and on the same day he applied to the First Auditor for a statement of Mr. Hays' account. He reported as follows:

"Emolument account to December 31, 1853, this day received. No settlement yet made. Vouchers just received for \$6,652 90.

"T. L. SMITH, *Auditor*."

"FIRST AUDITOR'S OFFICE, September 27, 1854."

On the 27th of September, 1854, the Secretary of the Interior transmitted to this office the second requisition mentioned above, of the 23d of March, 1854, the estimated expenses of the May term, and a letter Mr. Hays addressed to me, dated September 3d. For the reasons set forth in my letter of the 27th of September to the Secretary of the Interior, I advised him to advance to Mr. Hays \$6,000, which, with the balance in his hands at the time he wrote to me on the 3d, amounted to \$10,547 10. A copy of my letter to the Secretary of the Interior is marked D.

The Secretary of the Interior drew his requisition on the Secretary of the Treasury, to advance to Mr. Hays \$6,000. The warrant was issued on the 29th, and the money remitted by the Treasurer to Mr. Hays at Van Buren, by a draft on the depositary at Little Rock, on the 30th of September. I addressed a letter to Mr. Hays on the 28th of September, in which I stated the reasons for advising the Secretary of the Interior to advance him at that time no more than \$6,000, suggested to him to return his accounts and vouchers for the May term, and reminded him he had not returned his emolument account for a period since the 31st of December, 1853.

As the act of March 3, 1845, vol. 5, 764, section 3, forbids the payment of money to a marshal who neglects to return his emolument account on the 1st of January and the 1st of July, or within thirty days thereafter, he was informed his salary had been withheld, and would not be sent to him before his emolument account should be received. A copy of that letter is marked E.

The fourth requisition drawn by Mr. Hays is dated January 13, 1855, and is for the estimated expenses of the November term previous, amounting to \$18,134 68.

It was received by the Secretary of the Interior on the 29th, sent immediately to the First Auditor, acted on by him and the Register, sent to this office, received on the 30th, returned on the same day to the Secretary of the Interior, with the recommendation that no more be advanced to Mr. Hays than \$10,000 at that time.

When he drew this last mentioned requisition, it appeared he had in his hands.....\$2,897 80
 The advance of ten thousand dollars.....10,000 00
 Placed at his command.....12,897 80

The requisition contained estimates of expenses for a long session of a commissioner of the United States, without a designation of the business he had attended to, that was satisfactory, and the expense of which he had no authority to pay. The November term had so long passed that he should have been able to state the expenses in detail, instead of guessing at them by estimates.

The last requisition mentioned was returned to the Secretary of the Interior in a letter dated the 30th of January, 1855, a copy of which is marked F.

He drew his requisition on the Secretary of the Treasury, to advance said sum of \$10,000, for which a warrant was issued on the 1st instant.

On the 2d the Treasurer drew for that amount on the depository at Little Rock, Arkansas, and transmitted the draft to Mr. Hays on the same day, addressed to him at Van Buren.

I requested the Solicitor of the Treasury and the Auditor of the Treasury for the Post Office Department to inform me what number of suits were reported to them respectively, from the western district of Arkansas, from June 1853 to the present time, in which the United States were concerned.

A copy of the answer of the solicitor is marked G.

He reports there was pending in June, 1853, one suit.

He reports there was pending January 1, 1854, one suit.

He reports there were pending January 1, 1855, two suits.

These are exclusive of suits for the Post Office Department, or for violating the criminal laws.

William F. Phillips, esq., Auditor of the Treasury for the Post Office Department, reports that three suits, within the period embraced in my inquiry, in behalf of the Post Office Department, have been, or are, pending in said district.

Two are against postmasters, and one against a bidder for a mail contract.

A copy of Mr. Phillips' answer is marked H.

The first term of the court, after Mr. Hays was commissioned, was held in November, 1853, and continued sixteen days. The number of indictments on the docket was thirty-three. Mr. Hays' account for that term was received by the First Auditor June 16, 1854.

The second term during the office of Mr. Hays was held in May, 1854, and was in session twelve days. The number of indictments on the docket at this term was sixty-three.

November term, 1853, trials.....	9
November term, 1853, <i>not pros.</i>	4
May term, 1854, trials.....	11
May term, 1854, <i>not pros.</i>	22
Judgment by default.....	1

His account for the May term was received by the First Auditor November 27, 1854.

The marshal's emolument account for the half year ending June 30, 1854, was sent on the 1st of November, and received the 21st of that month.

By the 167th paragraph of the act of May 18, 1842, vol. 5, page

483, he should have returned it by the 1st of July, or within thirty days thereafter.

His emolument account for the last half year, ending January 1st, has not been received.

Most respectfully, yours,

ELISHA WHITTLESEY.

Hon. JAMES GUTHRIE,
Secretary of the Treasury.

Copies of letters from A to H, inclusive.

A.

TREASURY DEPARTMENT,
Comptroller's Office, January 20, 1854.

SIR: A requisition has been transmitted to this office for my advice in the case of Samuel M. Hays, marshal of the western district of Arkansas, for \$11,200. On examination, it is found that no bond or oath of office from him has reached this office. I have written to him to forward without delay his bond and oath of office, that the transaction of the public business may proceed with due regard to law.

I return herewith the requisition, which is dated January 20, in the Auditor's office.

Respectfully, yours,

ELISHA WHITTLESEY,
Comptroller.

Hon. R. McCLELLAND,
Secretary of the Interior.

B.

TREASURY DEPARTMENT,
Comptroller's Office, January 21, 1854.

SIR: A letter received from you by the Secretary of the Interior, dated December 15, 1853, requesting an advance of \$11,200 for expenses of courts, has been referred to this office.

No bond nor oath of office has yet been transmitted by you, and, in order that an advance be made to you, it is necessary that you should transmit your bond and oath of office. On receipt of this you will please do so without delay, that the transaction of business may proceed according to law.

Respectfully, yours,

ELISHA WHITTLESEY,
Comptroller.

SAMUEL M. HAYS, Esq.,
Marshal western district of Arkansas, Van Buren, Ark.

C.

TREASURY DEPARTMENT,
Comptroller's Office, February 25, 1854.

SIR: I herewith enclose to you a letter from Samuel M. Hays, esq., marshal of the western district of Arkansas, dated Van Buren, Arkansas, February 6, 1854. With this letter a certified copy of Mr. Hays' oath of office and bond was received, and is on file in this office.

Very respectfully, yours,

ELISHA WHITTLESEY,
Comptroller.

HON. R. McCLELLAND,
Secretary of the Interior.

D.

TREASURY DEPARTMENT,
Comptroller's Office, September 27, 1854.

SIR: I have advised to advance to Samuel M. Hays, marshal for the western district of Arkansas, \$6,000. His requisition was drawn in March last for the May term following.

At that time there was charged to him on the books of the Register for an advance of \$11,200, without his having returned any vouchers. It appears, from the endorsement of the First Auditor, that vouchers have been just received to the amount of \$6,652 90.

In Mr. Hays' letter to me, dated the 3d of this month, he said he had at the commencement of May term \$4,549 10, which was not enough to pay one-half of the expenses. He should have sent the vouchers of money paid at the May term, so that it might be known how much he had spent of that balance, or whether he had spent the whole of it. If he lived near by I should not recommend the advance of \$6,000; but the distance is so remote, and there may be a want of money to pay distant expenses, that I would advance the sum mentioned, and I shall write to the marshal to be prompt in sending his vouchers.

Most sincerely, yours,

ELISHA WHITTLESEY.

HON. ROBERT McCLELLAND,
Secretary of the Interior.

E.

TREASURY DEPARTMENT,
Comptroller's Office, September 28, 1854.

SIR: Your requisition of \$11,200 for the May term of the court, dated in March last, and your letter of the 3d of this month, addressed to me, but which you probably sent to the Department of the Interior, were sent to me from that department to-day.

In your letter you state that at the commencement of May term you had on hand only \$4,549 10, which amount was not half enough to pay the expenses.

It appears from the Register's books that there was advanced to you..... \$11,200 00
 Vouchers returned for November term..... 6,652 90

In hand for May term..... 4,547 10

This varies two dollars from your statement, and it is not unlikely incorrect figures may have been reported to me, or that I erred in copying.

The next court does not set in your district until the second Monday in November. I advised the Secretary of the Interior to advance to you on the requisition mentioned, the sum of..... \$6,000 00
 Which, with the above balance of..... 4,547 10

Makes you a debtor on the treasury books of..... 10,547 10

Permit me to suggest to you to forward your account and vouchers for the expenditures at the May term as early as practicable, with an estimate for the November term.

The Secretary of the Interior is anxious to make all needful advances to aid the judiciary, but experience satisfies him they should be limited to the necessary expenses, and that they should be promptly accounted for.

Your emolument account has not been returned to the Secretary of the Interior to a period later than the 31st of December, 1853. The law prohibits the payment of your salary when in default of returning your emolument account, on the 1st of January and the 1st of July. At the close of this quarter, on the 30th of September, the salary due to you, as reported to me by a clerk who has the accounts for salaries in charge, will be \$239 13, which will be forwarded to you as soon after your emolument account shall be received as the same can be.

I forwarded to your address yesterday a copy of the act of February 26, 1853, establishing fees for judicial officers, and copies of my circular of March 15 and May 5, 1853.

Most sincerely, yours,

ELISHA WHITTLESEY.

SAMUEL M. HAYS, Esq.,

Marshal of the western district of Arkansas, Van Buren, Ark.

F.

TREASURY DEPARTMENT,

Comptroller's Office, January 30, 1855.

SIR: In answer to the reference from your office of the requisition of Samuel M. Hays, esq., marshal for the western district of Arkansas, wherein he asks the sum of \$18,134 68 to be remitted to him, for the purpose of defraying the expenses of the United States courts in said district, for my opinion as to the propriety of advancing said amount or any part thereof, I respectfully advise that not more than \$10,000 be advanced at this time. Said marshal stands charged upon the books of the treasury with the sum of \$17,200.

Ex. Doc. 72—3

The First Auditor states that he has rendered accounts against said charge, to the amount of \$14,302 20, leaving, even if the whole amount of said account were allowed, \$2,897 80 yet to be accounted for, which, added to the \$10,000 now proposed to be advanced, will leave him accountable for \$12,897 80, a sum which seems to me to be a large amount to stand to the debit of the marshal of said district. He states that the "commissioner's court was held pretty nearly every day after the May term of the district court adjourned, up to the commencement of the November term, at which witnesses and guards were continually in attendance." Such a protracted period of preliminary examination would be extraordinary in any of the judicial districts of the United States where the largest amount of business is done; but why there was necessity for it in the western district of Arkansas is to me incomprehensible; and I do not think that money should be remitted to meet expenses incurred under such circumstances without the most full and satisfactory explanations.

Yours, respectfully,

ELISHA WHITTLESEY,

Comptroller

Hon. ROBERT McCLELLAND,

Secretary of the Interior.

G.

OFFICE OF THE SOLICITOR OF THE TREASURY,

February 3, 1855.

SIR: I have just received your letter of yesterday, and in reply state, that I have caused the reports of the United States' attorney and clerk of the western district of Arkansas of suits brought and pending, in which the United States were party or interested, to be examined and find that there was pending in June, 1853, one suit; on January 1, 1854, one suit; on January 1, 1855, two suits.

It is proper to add that these reports do not include criminal prosecutions, or suits brought at the instance of the Post Office Department.

Very respectfully, your obedient servant,

F. B. STREETER, *Solicitor.*

E. WHITTLESEY, Esq.,

Comptroller of the Treasury.

H.

AUDITOR'S OFFICE, P. O. DEPARTMENT,

February 3, 1855.

SIR: In reply to your letter of this date, I have the honor to submit below "a list of all suits in which the Post Office Department is concerned, which were pending on, or have originated since the 1st of

June, 1853, in the United States courts for the western district of Arkansas."

Very respectfully, your obedient servant,

WM. F. PHILLIPS, *Auditor*.

Hon. E. WHITTLESEY,
First Comptroller.

List of suits.

United States *vs.* D. P. Henly, late postmaster.

United States *vs.* Samuel McCardy, late postmaster.

United States *vs.* J. A. Lovejoy and James Gattin, failing bidders.

