

# Calendar No. 264

69TH CONGRESS }  
1st Session }

SENATE

} REPORT  
No. 257

## ESTATE OF JOHN STEWART

MARCH 3 (calendar day, MARCH 4), 1926.—Ordered to be printed

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

### REPORT

[To accompany S. 1450]

The Committee on Claims, to whom was referred the bill (S. 1450) for the relief of the estate of John Stewart, deceased, having considered the same, report favorably thereon with the recommendation that the bill do pass without amendment.

A similar bill passed the Senate in the Sixty-seventh and Sixty-eighth Congresses.

The facts are fully set forth in Senate Report No. 77, Sixty-eighth Congress, first session, which is appended hereto and made a part of this report.

[Senate Report No. 77, Sixty-eighth Congress, first session]

The Committee on Claims, to whom was referred the bill (S. 1867) for the relief of the estate of John Stewart, deceased, having considered the same, report favorably thereon with the recommendation that the bill do pass without amendment.

The facts in the case are fully set forth in Senate Report No. 574, Sixty-seventh Congress, second session, which is appended hereto and made a part of this report.

[Senate Report No. 574, Sixty-seventh Congress, second session]

The Committee on Claims, to whom was referred the bill (S. 1282) for the relief of the estate of John Stewart, deceased, having considered the same, report favorably thereon with the recommendation that the bill do pass without amendment.

The facts in the case are fully set forth in Senate Report No. 198, Sixty-second Congress, second session, which is appended hereto and made a part of this report.

[Senate Report No. 198, Sixty-second Congress, second session]

The Committee on Claims, to which was referred the bill (S. 2611) for the relief of the estate of John Stewart, deceased, having had the same under consideration, respectfully reports the same back to the Senate with the recommendation that the bill pass without amendment.

The facts upon which this claim is based are fully set forth in the report of this committee presented at the second session of the Fifty-eighth Congress, which report is hereto attached and made a part hereof. The claim as originally presented by Mr. Stewart was for \$5,000, and the payment of this amount was recommended at different times by the Acting Secretary of the Treasury, the Secretary of War, by two successive custodians of buildings and grounds, and by the assistant United States attorney for the District of Columbia, under whose immediate supervision the service which form the basis of the claim were performed; and bills providing for the payment of this sum twice passed in the Senate and once in the House. In the Fifty-eighth Congress, however, for the reason stated in the report of the committee above referred to, the amount was reduced to \$2,000, and while this sum is but meager compensation for the work performed, your committee does not feel justified in advising the payment of a larger amount.

[Senate Report No. 501, Fifty-eighth Congress, second session]

The Committee on Claims, to whom was referred the bill (S. 803) for the relief of John Stewart, beg to submit the following report:

Your committee is of opinion that the valuable services of claimant should be recognized, and that he should receive compensation for those services, as well as remuneration for moneys expended; but in view of the fact that claimant was in

the employ of the Government at the time the services were performed and the moneys expended, and was receiving a salary of \$1,400 per annum, and that he was enabled to do the work in question because of knowledge gained in such employment, your committee believe that the sum of \$2,000 would be a just and equitable compensation. Therefore it is recommended that the bill be amended as follows:

In line 6, strike out the word "five" and insert in lieu thereof the word "two."

It is further recommended that, when so amended, the bill do pass.

The following is a résumé of the case:

On December 31, 1886, the Secretary of War directed the claimant to assist Mr. Hugh T. Taggart, of the United States district attorney's office for the District of Columbia, in the examination of maps and records of the city of Washington, in connection with the preparation and prosecution of the suit of the United States *v.* Morris et al., commonly known as the "Potomac Flats case." This claim is for compensation for extra services performed and expenses incurred in the performance of said work.

The claim, in the sum of \$5,000, was transmitted as a regular estimate from the Secretary of the Treasury—the Secretary of War requesting that it be included in the general deficiency bill—as will be seen in House Document No. 626, Fifty-seventh Congress, first session, quoted below:

[House Document No. 626, Fifty-seventh Congress, first session.]

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,  
*Washington, May 24, 1902.*

SIR: I have the honor to transmit herewith, for the consideration of Congress, copy of a communication from the Secretary of War of the 22d instant submitting an estimate of appropriation for inclusion in the general deficiency bill of \$5,000 for payment of the claim of John Stewart, civil engineer, for extra compensation for services rendered by him to the Government in connection with the "Potomac Flats" cases.

Respectfully,

O. L. SPAULDING,  
*Acting Secretary.*

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

WAR DEPARTMENT,  
*Washington, May 22, 1902.*

SIR: I have the honor to forward herewith, for transmission to Congress, estimate (\$5,000) of appropriation for "claim of John Stewart," with request that it be included in the general deficiency bill.

Very respectfully,

ELIHU ROOT,  
*Secretary of War.*

THE SECRETARY OF THE TREASURY.

*Estimate of appropriation required for the service of the fiscal year ending June 30, 1902,  
by the War Department.*

WAR DEPARTMENT.

MISCELLANEOUS.

Claim of John Stewart: For payment of claim of Mr. John Stewart, civil engineer, for extra compensation for services rendered by him to the Government in connection with the "Potomac Flats" case (submitted)..... \$5,000

NOTE.—The claim of Mr. John Stewart, civil engineer, is for extra compensation for services rendered by him to the Government in connection with the preparation of testimony for the Government's side in the "Potomac Flats" case. During the period in which the case was in litigation, from January, 1887, until 1894, about seven years, Mr. Stewart was engaged, by direction of the Secretary of War, in assisting the United States district attorney in the examination of the maps and records of the city of Washington and preparing therefrom matter to be used as evidence in the case. This work was performed almost entirely outside of office hours, and required Mr. Stewart's presence at his office and at the United States district attorney's office from early in the evening until late at night.

In an expression of his opinion on the nature of Mr. Stewart's relation to the case and the justice of the claim, Mr. Taggart, the assistant United States district attorney in charge of the case, says:

"I kept no memorandum of the number of visits I made to Mr. Stewart's office nor of the conversations I had with him from time to time in regard to the evidence on behalf of the Government to be supplied from the records under his charge. These visits and conversations were numerous and seriously encroached, no doubt, upon time that would have otherwise been devoted to the ordinary work of his office. He was examined frequently as a witness, and as a result of all this much of Mr. Stewart's time outside of his usual office hours was necessarily consumed in an effort to keep up with such ordinary work. I may add that, as exigencies required, Mr. Stewart often attended me until a late hour at his office during the evening and after it closed for the day. His services were undoubtedly of great value to the Government and were of a kind which it would be unreasonable to hold fell within the scope of the ordinary and usual duties of his employment, and this being so he should, in justice, be compensated for them.

"It is difficult, not to say impossible, under such circumstances to find and apply to the matter of the compensation proper to be allowed any exact standard of measurement, but as a matter of opinion, based upon my general knowledge in the premises, I should say that the sum mentioned (\$5,000) is a proper one."

The Attorney General, in his opinion on the claim, says in part:

"Mr. Taggart (assistant United States district attorney) estimated the value of the services performed by Mr. Stewart at \$5,000. I am satisfied from the information contained in the papers that Mr. Stewart performed extra services in the preparation and presentation of the Potomac Flats case for which an appropriation might properly and equitably be made. As to the amount to be allowed, that must be determined by Congress. I have nothing before me except what is presented in these papers, and have therefore no reason to differ from the conclusion of Mr. Taggart that \$5,000 is a reasonable compensation."

The above document mentions certain opinions, which are more fully set forth in copies of the official papers on file in the War Department, as follows:

WAR DEPARTMENT,  
OFFICE OF PUBLIC BUILDINGS AND GROUNDS,  
Washington, D. C., May 1, 1900.

SIR: Deeming myself entitled to some compensation for extra services performed by me and expenses incurred in connection with the preparation and prosecution of the suit of the United States *v.* Morris et al., commonly known as the Potomac Flats case, I respectfully submit the following statement:

On the 31st day of December, 1886, I was directed by the honorable Secretary of War to assist Mr. Hugh T. Taggart, of the United States district attorney's office, in the examination of the maps and records of the city of Washington, Mr. Taggart being in charge of the said case on behalf of the Government. Pursuant to the instructions of the said order, I met Mr. Taggart at my office on the following morning, January 1, 1887.

From the said 1st day of January, 1887, to the final determination of the case in favor of the Government in 1894 the greater portion of my time during office hours was devoted to searching the old records of the city of Washington and preparing therefrom matter to be used as evidence in the case, as will appear by reference to the annual reports of the engineer officer in charge of public parks and grounds. On account of the importance and urgency of the matter it was necessary for me to assist Mr. Taggart after office hours, and for this purpose Mr. Taggart usually came to my office at about 7 o'clock in the evening or directed me to meet him at his office at or about that hour. Our work was generally continued until midnight and often very much later. The meetings at Mr. Taggart's office necessitated the hire by me of conveyances for the transportation there and back of the records of my office, which were too bulky to be carried by me otherwise.

These conferences with Mr. Taggart at either his office or mine after office hours occurred almost continuously from the said 1st day of January, 1887, to the final disposition of the case by the court in 1894, a period of seven years. I was informed at the time that there was no fund available from which I could be compensated for the extra services rendered by me in the prosecution of this work. It is a well-known fact that my services in searching for, preparing, and supplying data from the old records, maps, and plans of the District of Columbia, of which I was more conversant than any other person by reason of my knowledge and familiarity with said records, etc., contributed largely to the success of the Government's case. This may be verified by reference to the report of the trial of the case and to my testimony therein, which covers in all about 250 closely printed pages of said record, to wit, volume 2, pages 445 et seq., 608 et seq., 633 et seq., 654 et seq., and volume 4, pages 1499 et seq.

I may say here that no compensation has been received by me for services as witness to the case.

In conclusion, I beg to call your attention to the fact that during the years in which I was engaged in assisting Mr. Taggart I was receiving a salary of only \$1,400 per annum, from which I could ill afford to expend the amounts which were required for the hire of vehicles for the transportation of records, etc. For my extra service in this connection performed from 1887 to 1894, both inclusive, I ask compensation in the sum of \$7,500, which I think a reasonable amount in view of the nature of the services and the unusual times when I was called upon to perform them.

Very respectfully, your obedient servant,

JOHN STEWART, C. E.,  
In Charge of Old Records.

The SECRETARY OF WAR, *Washington, D. C.*

OFFICE PUBLIC BUILDINGS AND GROUNDS, WAR DEPARTMENT,  
*Washington, May 8, 1900.*

SIR: Your letter of May 7 has been received, presenting copy of your claim for extra services rendered in connection with the suit of the United States *v. Morris et al.*, commonly known as the "Potomac Flats case."

Your statement is, I believe, strictly true and moderate. There is no doubt in my mind that you are entitled to compensation for the large amount of extra labor, outside of your regular office work, expended by you in assisting in the preparation of the Potomac Flats case. It has been, and is, my conviction that without your assistance the United States would probably not have won that extremely important case in the courts.

I sincerely hope that the proper authorities will see the matter in the same light and award you the compensation you deserve.

Very respectfully, your obedient servant,

THEO. A. BINGHAM,  
Colonel, *United States Army.*

Mr. JOHN STEWART, C. E.,  
*In Charge of Old Records, Office Public Buildings and Grounds.*

*Copy of third indorsement of Col. Theodore A. Bingham upon letter of John Stewart, dated May 1, 1900.*

[Third indorsement.]

OFFICE PUBLIC BUILDINGS AND GROUNDS,  
*May 23, 1900.*

Respectfully returned to the Chief of Engineers, United States Army.

It is my opinion that compensation is due to Mr. Stewart from the United States for his extra work, out of office hours, in assisting the assistant district attorney in preparing the Government's side in the Potomac Flats case. It is doubtful if the Government could have won the case but for Mr. Stewart's assistance.

Mr. Stewart has been unable to get a statement of the value of his extra assistance from the assistant United States district attorney: nor is Mr. Stewart able to furnish a detailed statement of the extra time spent by him on the case.

As the case lasted some seven years, an extra compensation of \$1,000 per year does not seem to be exorbitant.

I therefore respectfully recommend to higher authority Mr. Stewart's application for his extra services for seven and one-half years at the rate of \$1,000 per year.

THEO. A. BINGHAM,  
Colonel, *U. S. Army, Major, Corps of Engineers.*  
(*In Charge of Public Buildings and Grounds.*)

*Copy of fourth indorsement of Gen. John M. Wilson upon letter of John Stewart, dated May 1, 1900.*

[Fourth indorsement.]

OFFICE OF CHIEF OF ENGINEERS, UNITED STATES ARMY,  
*May 26, 1900.*

Respectfully returned to the Secretary of War.

During a portion of the period mentioned by Mr. Stewart—that between January 1, 1887, and August 19, 1889—I was in charge of public buildings and grounds and

noted the untiring efforts of Mr. Stewart to furnish all possible information and assistance in this important case, which Mr. Taggart so splendidly and successfully prosecuted in the interest of the United States.

I concur in Col. Bingham's opinion that extra compensation should be paid Mr. Stewart, and recommend that the Attorney General be requested to obtain from Mr. Hugh T. Taggart, of the United States district attorney's office, an expression of his opinion as to the value of Mr. Stewart's services in the case and what amount he should receive therefor.

JOHN M. WILSON,  
*Brigadier General, Chief of Engineers, U. S. Army.*

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WAR DEPARTMENT, *August 21, 1900.*

Respectfully referred to the Attorney General, inviting attention to the recommendation and request of the Chief of Engineers, United States Army, as contained in the preceding indorsement.

The return of these papers is respectfully requested.

G. D. MEIKLEJOHN,  
*Assistant Secretary of War.*

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DEPARTMENT OF JUSTICE,  
*Washington, D. C., February 20, 1902.*

SIR: The claim of John Stewart for compensation for services rendered by him in connection with the "Potomac Flats" case, referred to this department under date of August 21, 1900, is herewith returned, and with it a report made on said claim by Hugh T. Taggart, assistant district attorney for the District of Columbia; also a copy of a letter dated 14th instant from Ashley M. Gould, United States attorney of said District.

Respectfully,

P. C. KNOX,  
*Attorney General.*

The SECRETARY OF WAR.

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OFFICE OF THE UNITED STATES ATTORNEY, DISTRICT OF COLUMBIA,  
*Washington, D. C., February 12, 1902.*

SIR: I beg leave to submit the following in response to your request for an expression of my opinion as to the merits of the claim made by Mr. John Stewart, custodian under Col. Bingham, Corps of Engineers, United States Army, of the early records of the city of Washington, for extra compensation for services rendered by him to the Government in connection with the case known as the Potomac Flats case, of which I had charge as a special assistant to the United States attorney for this district.

When the claim was first referred by the Department of Justice to Mr. Anderson, your predecessor in office, for report, he consulted with me in regard to it, and in going over the matter orally with him I explained as well as I could from memory the nature of Mr. Stewart's relation to the case.

I kept no memorandum of the number of visits I made to Mr. Stewart's office, nor of the conversations I had with him from time to time in regard to the evidence on behalf of the Government to be supplied from the records under his charge. These visits and conversations were numerous and seriously encroached, no doubt, upon time that would have otherwise been devoted to the ordinary work of this office; he was examined frequently as a witness, and as a result of all this much of Mr. Stewart's time outside of his usual office hours was necessarily consumed in an effort to keep up with such ordinary work. I may add that as exigencies required, Mr. Stewart often attended me until a late hour at his office during the evening and after it had closed for the day.

In my intercourse with him I always found him courteous, prompt, and accommodating, and disposed to render every assistance in his power, no matter what the inconvenience to himself might be; his services were undoubtedly of great value to the Government, and were of a kind which it would be unreasonable to hold fell within the scope of the ordinary and usual duties of his employment, and this being so he should, in justice, be compensated for them.

After the final decree in the court below, Mr. Stewart spoke to me in regard to his right to an allowance of extra compensation for his services, and I then stated to him that in my opinion such allowance would be just and proper, but that in order to ob-

tain it an application to Congress would be necessary, as I knew of no fund which was available for the purpose of paying it. I remember saying to him that upon a reference of the matter I would cheerfully appear before any committee of Congress to whom it might be referred and make a statement in his behalf. As I recollect, his idea then was that \$5,000 would be a fair allowance to him.

It is difficult, not to say impossible, under such circumstances to find and apply to the matter of the compensation proper to be allowed any exact standard of measurement, but as a matter of opinion, based upon my general knowledge in the premises, I should say that the sum mentioned (\$5,000) is a proper one.

Two statements made by Mr. Stewart in his application seem to require notice. He says:

"From the 1st of January, 1887, to the final determination of the case in favor of the Government in 1894, the greater portion of my time during office hours was devoted to searching old records of the city of Washington and preparing therefrom matter to be used as evidence in the case."

The encroachments upon his time were very considerable, as I have stated, but could hardly have reached the extent claimed, as I judge from my own experience in the preparation of the case and in attending to the taking of the testimony in it.

Within the time stated I did some investigating myself of records in the War Department and elsewhere; at the outset I made in person a thorough examination not only of the records in the office of Mr. Stewart but also of those in the Department of State and in the district surveyor's office, and made memoranda under appropriate heads of such documents as had a bearing, apparently, upon any phase of the case. These notes I arranged chronologically and had printed; they made a pamphlet of 84 pages. In addition to this I made searches in the Department of the Interior; in the Congressional Library, and among the early records in the District courts; in the office of the recorder of deeds; in the Maryland land office, and in the Maryland courts at Annapolis; in the records of the former municipalities of Washington and Georgetown in charge of the District Commissioners, and in the other offices and places, public and private, and made similar memoranda which were added, from time to time, in writing, to the printed notes.

The utility of the list as an index of such documents as might be required in the Government's case in chief and in rebuttal must be obvious. With the list I was enabled to determine what documents were wanted and where to find them, and documents from all the sources named were used in the case; but while Mr. Stewart's field of investigation was not quite so extensive as mine, I do not intend in what I have said to detract from the value of the services actually rendered by him. They were sufficient, in my opinion, to justify the conclusion at which I have arrived in regard to the allowance proper to be made to him.

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Very respectfully,

HUGH T. TAGGART,  
Assistant District Attorney.

ASHLEY M. GOULD, Esq.,  
United States Attorney, District of Columbia, Washington, D. C.

*Copy of an indorsement by Col. Theo. A. Bingham, dated March 26, 1902, upon letter of Attorney General of February 20, 1902, which was referred to Col. Bingham by the Chief of Engineers for further remark.*

[Second indorsement.]

OFFICE PUBLIC BUILDINGS AND GROUNDS,  
Washington, March 26, 1902.

Respectfully returned to the Chief of Engineers, United States Army.

This is a most worthy case for reimbursement by Congress. The accompanying correspondence contains as strong recommendation to this effect as I know how to make, which recommendation is respectfully urged upon the favorable consideration of higher authority.

Mr. Stewart's claim is also confirmed and corroborated by the accompanying letter of Mr. Hugh T. Taggart, special assistant to the United States district attorney for the District of Columbia.

Mr. Stewart's claim is also recommended in strong terms by the indorsement herewith of Gen. John M. Wilson, former Chief of Engineers, United States Army.

It is unfortunately impossible to itemize an account of this kind, which at first had small beginnings and accumulated as time went on. In my indorsement of May 23, 1900, I recommended as a proper reimbursement \$1,000 per year for seven and one-half years—the time during which Mr. Stewart's services were required, which period ended with a decision of the courts in favor of the United States.

As Mr. Taggart, the special United States attorney in the case, recommends \$5,000, for the sake of uniformity and to avoid any difficulty on this account, I now recommend a reimbursement of Mr. Stewart in the amount of \$5,000, which is regarded as very reasonable.

Mr. Stewart's claim seems so just, having in the past been overlooked owing to his own modesty, that it seems to me that it needs only to be investigated to be approved, and I take the liberty of respectfully suggesting and recommending that if this claim be approved by the Secretary of War, it may be transmitted by him to the Attorney General of the United States, with the request that the money necessary to pay it be asked for from Congress by the Department of Justice after the usual manner customary in the case of approved claims.

THEO. A. BINGHAM,  
Colonel, U. S. Army, Major, Corps of Engineers.  
(In charge of Public Buildings and Grounds.)

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*Copy of an indorsement by Gen. G. L. Gillespie, Chief of Engineers, United States Army, dated March 31, 1902.*

Respectfully returned to the Secretary of War, inviting attention to the preceding indorsement of Col. Theo. A. Bingham, United States Army, in charge of Public Buildings and Grounds, and his recommendation of the claim of Mr. Stewart as a most worthy case for reimbursement by Congress, and that if the claim be approved by the Secretary of War the Attorney General be requested to recommend to Congress an appropriation sufficient to pay the claimant.

Attention is also especially invited to the indorsement dated May 26, 1900, of Brig. Gen. John M. Wilson, the then Chief of Engineers, returning the claim to the Secretary of War, concurring in the opinion of Col. Bingham, that extra compensation should be paid Mr. Stewart, and to the letter of Mr. Hugh T. Taggart, of the United States district attorney's office, in which he states that Mr. Stewart's services were undoubtedly of great value to the Government and were of a kind which it would be unreasonable to hold fell within the scope of the ordinary and usual duties of his employment, and this being so he could in justice be compensated for them.

I am of the opinion that Mr. Stewart is deserving of compensation for extra work done, and recommend that the claim be referred to the Attorney General with the request that he recommend to Congress such an appropriation as may appear to him just and equitable.

G. L. GILLESPIE,  
Brigadier General, Chief of Engineers, U. S. Army.

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*Copy of indorsement by the Secretary of War, dated April 15, 1902, in the case.*

[Fourth indorsement.]

WAR DEPARTMENT, April 15, 1902.

Respectfully returned to the Attorney General, with recommendation that the within claim may be submitted by him to Congress with recommendation for such an appropriation as he may consider just and equitable, attention being invited to the preceding indorsements of the Chief of Engineers and the officer in charge of public buildings and grounds.

From an examination of the accompanying papers I am of the opinion that \$5,000 is not an unreasonable compensation for the extra service rendered by Mr. Stewart outside of office hours in the matter of the within claim.

E. ROOT, Secretary of War.

DEPARTMENT OF JUSTICE,  
Washington, D. C., April 24, 1902.

SIR: The claim of John Stewart for compensation for services rendered by him in connection with the Potomac Flats case has been received, as per your reference dated the 15th instant.

It appears from a statement made by Mr. Stewart that said services were rendered by direction of the Secretary of War, said direction being given December 31, 1886, and that said Stewart was at the time a clerk of class 3 in the War Department.

In view of these facts, it is believed that this department should not take any action toward securing an appropriation for the services rendered. At your request this department procured a statement from Assistant District Attorney Taggart in regard to the services rendered by Mrs. Stewart.

The papers relative to said claim are herewith returned.

Respectfully,

J. K. RICHARDS, *Acting Attorney General.*

The SECRETARY OF WAR.

OFFICE OF PUBLIC BUILDINGS AND GROUNDS,  
WAR DEPARTMENT,  
Washington, April 30, 1902.

MY DEAR MR. RICHARDS: I hand you herewith the papers in Mr. Stewart's case, including letter of April 24, by which they were returned to the Secretary of War over your signature, a fact that I was not aware of when I spoke to you.

While Mr. Stewart rendered the services referred to in the papers by direction of the Secretary of War, that was merely a necessary formality to enable the Department of Justice to obtain the benefit of his services, and, as stated to you, the work that was done, for which compensation is requested, was work done entirely out of office hours and entirely for the Department of Justice. Moreover, it was for the prosecution of one of the most important cases which the Department of Justice has had in the District of Columbia that Mr. Stewart expended his energies. Therefore it seems to me that the case of reimbursing Mr. Stewart is entirely one which belongs to the Department of Justice, because his technical connection with the War Department has no bearing whatever upon Mr. Stewart's claim for reimbursement.

Very respectfully, your obedient servant,

THEO. A. BINGHAM,  
*Colonel, United States Army.*

HON. J. K. RICHARDS,  
*Solicitor General of the United States, Washington, D. C.*

DEPARTMENT OF JUSTICE,  
Washington, D. C., May 14, 1902.

SIR: Referring to the letter dated the 24th ultimo, respecting the claim of John Stewart for compensation on account of extra services rendered by him in connection with the Potomac Flats case, I desire to say that the letter ought not to be taken as expressing an opinion that no appropriation should be made for the benefit of Mr. Stewart. What I intended to convey was that, in view of the fact that the services were rendered by direction of the Secretary of War and the claim for extra compensation made to the Secretary, it was thought that this department ought not to initiate action toward securing an appropriation from Congress.

At your request, the department procured a statement from Assistant District Attorney Taggart, who had charge of that case. Mr. Taggart estimated the value of the services performed by Mr. Stewart at \$5,000. I am satisfied from the information contained in the papers that Mr. Stewart performed extra services in the preparation and presentation of the Potomac Flats case for which an appropriation might properly and equitably be made. As to the amount to be allowed, that must be determined by Congress. I have nothing before me except what is presented in these papers, and have, therefore, no reason to differ from the conclusion of Mr. Taggart that \$5,000 is a reasonable compensation.

Very respectfully,

P. C. KNOX, *Attorney General.*

The SECRETARY OF WAR.

