

Statement of the case.

UNITED STATES *v.* SAUNDERS.

1. A statute is to be interpreted not only by its exact words, but also by its apparent general purpose. If its general purpose have plain reference to one class of persons, it will not include a single individual in a distinct class, though the mere words might include him.
2. The Botanical Garden, at Washington, a long-established public garden, and regarded by various acts as under the immediate direction and control of the Joint Library Committee of Congress, is a different garden from the garden established of more recent years by the Department of Agriculture, an executive department, as an appendage to that department.
3. The eighteenth section of the act of July 28th, 1866, providing an increase of 20 per cent. in pay for several persons employed under the direction of the two Houses of Congress, or their committees, including "the three superintendents of the public gardens," and not providing for the pay of any employed in the executive departments, does not embrace a Superintendent of the Public Gardens of the Department of Agriculture. It is confined to the superintendents of the Botanical Garden.

The Superintendent of the Public Garden of the Department of Agriculture is provided for by a joint resolution of 28th of February, 1867, which gives an increase in pay for one year to persons employed in the executive departments.

APPEAL from the Court of Claims; the case being thus:
On the 28th of July, 1866, Congress enacted:*

"That there be allowed and paid to the officers, clerks, committee clerks, messengers, and all other employés of the Senate and House of Representatives, and to the Globe and official reporters of each House, and the stenographer of the House, and to the Capitol police, and *the three superintendents of the public gardens*, their clerks and assistants, and to the Librarian, assistant librarians, messengers, and other employés of the Congressional Library, an addition of twenty per cent. on their present pay, to commence with the present Congress."

This act was repealed July 12th, 1870.

By a joint resolution of the 28th of February following, it was resolved†—

* 14 Stat. at Large, 823.

† 14 Stat. at Large, 569.

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"That there shall be allowed and paid to . . . its civil officers, clerks, messengers, and watchmen and employés in the executive mansion, and in any of the following named departments, or any bureau thereof, to wit: State, Treasury, War, Navy, Interior, Post Office, Attorney-General, *Agricultural*, and including civil officers and . . . clerks and employés in the office of the coast survey, naval observatory, navy-yard, arsenal, paymaster-general, &c., &c., an additional compensation of twenty per cent. on their respective salaries as fixed by law, &c., . . . for one year."

With these two proceedings of Congress, the act of 1866 and the joint resolution of 1870 in force, one Saunders, who was engaged at a salary in superintending the public gardens of the *Department of Agriculture*, at Washington, applied and got an addition of 20 per cent. to it under the joint resolution, for the *one year*, during which the resolution gave the increase.

Subsequently, assuming that the act of Congress was a continuing act and not one making an allowance for one year only, and assuming also that his employment brought him within its provisions, he filed a petition in the Court of Claims, alleging that he was "Superintendent of Gardens in the Department of Agriculture," from March 4th, 1865, to July 1st, 1870, and asking the addition of 20 per cent. given by the act of Congress during that time.

The Court of Claims found as a fact that "he held the position and performed the duties of Superintendent of the Public Gardens of the Department of Agriculture," and during the time for which the 20 per cent. was claimed; and conceiving that he came within the act, gave him the addition prayed for.

From this, its decision, the United States appealed.

The only question considered by this court was whether Saunders was within the act of Congress.

Mr. G. H. Williams, Attorney-General, and Mr. John Goforth, for the appellant; Mr. J. W. Denver, contra.

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Mr. Justice BRADLEY delivered the opinion of the court.

We are clearly of opinion that the claimant, in this case, was not within the intent and meaning of the eighteenth section of the act of July 28th, 1866.

The Court of Claims finds, it is true, that he held the position of superintendent of the public garden of the Agricultural Department during the period for which the claim is made. But it is well known that the botanical garden near the Capitol has been regarded as a public garden for many years, and long before the experimental garden of the Agricultural Department was established; and that it was managed by a superintendent and assistant superintendents. It is equally well known that this garden has for a long period, if not always, been under the immediate direction and control of the Joint Library Committee of Congress. The public statutes contain a long series of appropriations for both garden and superintendents. Thus, in the appropriation bill of July 2d, 1864, for the year ending June 30th, 1865,* the following appropriation was made :

“ *Botanic Garden.*—For grading, draining, procuring manure, tools, fuel, and repairs, purchasing trees and shrubs, under the direction of the Library Committee of Congress, \$3300.

“ For pay of superintendent of Botanic Garden, and assistants in the Botanic Garden and green-houses, to be expended under the direction of the Library Committee of Congress, \$6145 80.”

A similar provision is made in the appropriation bill for the year ending June 30th, 1866, adding \$2500 to be expended under direction of the Joint Committee of the Library, for erecting four green-houses.† The like appropriation for salaries was made in the appropriation bill for the year ending June 30th, 1867.‡ Then comes the act in question, increasing the salaries 20 per cent., to commence with that Congress, to wit, March 4th, 1865. The act increases the salaries of “ the three superintendents of the public gardens.” Now, in the next appropriation bill, for the year ending June 30th, 1868, not only is the ordinary appropria-

* 13 Stat. at Large, 349.

† 14 Stat. at Large, 21.

‡ Ib. 193.

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tion made for the "botanic garden under direction of the Library Committee of Congress, \$3300;" and, "for pay of *superintendent and assistants*, and assistants in the botanic garden and green-house, under direction of the Library Committee of Congress, \$6145.80;" but a continuation of the 20 per centum is added, thus: "for 20 per centum additional on the pay of the above, \$1229.16." The designation, "superintendent and assistants," implies at least three in number. No such appropriation is found in reference to the experimental garden attached to the Department of Agriculture. Whilst the botanic garden, under the direction of the Joint Library Committee of Congress, with its superintendent and assistants *eo nomine*, have thus been the subject of appropriations for a long period, the experimental garden, established by the Department of Agriculture, was comparatively recent, and regarded as an appendage of that department, and the appropriations therefor had been made under the general head of appropriations for the said department, and no appropriation for any superintendent thereof, *eo nomine*, had ever been made up to the time of the passage of the act of July 28th, 1866. The appropriation had been for the "experimental garden," and for the salary of the foreman and laborers.*

From this legislative history it is apparent that the botanic garden near the Capitol was regarded as a public garden; that it had a superintendent and assistant superintendents; that appropriations had for years been made for their salaries as superintendent and assistants by name; and that they were employed, and the garden was managed, under the immediate direction of the Joint Library Committee of the two Houses of Congress. They were, in fact, employés of this committee.

Now, it seems to us that the eighteenth section of the act of July 28th, 1866, which provides for the addition of the 20 per centum now claimed by the appellee, had reference only to persons employed under the direction of the two Houses

* See the acts, 13 Stat. at Large, 155; 14 Id. 202.

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of Congress, or their committees, and not to those of any of the executive departments. The section itself is its own best interpreter. In view of the long supervision over the botanic garden by the Library Committee, and of the previous legislation referred to, language could hardly be plainer than that which it contains.

But there is additional evidence that this increase of salary was intended to be confined to persons employed under the immediate direction of the two Houses of Congress and their committees, in the fact, that by a joint resolution of February 28th, 1867,* 20 per cent. was added to the salaries of all employés of the several executive departments, including the Department of Agriculture, for one year from and after the 30th of June, 1866; and the claimant actually received such addition accordingly. It is not reasonable to suppose that Congress intended to single out this particular employé from all the government employés as alone entitled to a double addition of 20 per cent. to his compensation, which he certainly would receive for the year named, if his construction of the act of July 28th, 1866, is the correct one.

JUDGMENT REVERSED, and the cause remanded with directions to

DISMISS THE PETITION.

PIATT'S ADMINISTRATOR v. UNITED STATES.

Where a contractor has large claims on different accounts against the United States, and the United States have a counter claim of fixed though of much less amount against him, and arrest him and put him in jail, and then by an act passed for his relief direct the accounting officers of the government to "settle" his accounts on just and equitable principles, giving all due weight and consideration to certain settlements and allowances already made, and to certain assurances and decisions of one of the executive departments which the party alleged to have been made to him, "provided that the sum allowed under the said assurances shall not exceed the amount claimed by the United States and for which suits have

* 14 Stat. at Large, 569.