

LEGAL SERVICES PAID BY STATE DEPARTMENT AND DUTIES
OF EXAMINER OF CLAIMS.

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

IN ANSWER TO

A resolution of the House of the 11th ultimo, relative to amounts paid by the State Department since 1860 for legal services and the duties of the Examiner of Claims.

MARCH 25, 1868.—Referred to the Committee on Retrenchment and ordered to be printed

To the House of Representatives:

I transmit herewith a report and accompanying documents in answer to a resolution of the House of Representatives of the 11th ultimo.

ANDREW JOHNSON.

WASHINGTON, March 25, 1868.

DEPARTMENT OF STATE.

Washington, March 23, 1868.

The Secretary of State, in answer to a resolution of the House of Representatives of the 11th ultimo, directing him to furnish to that body a statement of the amounts paid by the State Department during each year since 1860 for legal services, whether as fees, costs, commissions, special allowances, or traveling or other expenses, with the names of the persons to whom money has been paid, with the amount to each, specifying the cases or business in which such services have been rendered; and also to state whether any amounts are now claimed for similar services hitherto rendered, and by whom; and also what persons, if any, other than the officers authorized by law, are now employed as counsel by said department, and for what compensation, and how paid or agreed to be paid, and under what authority such counsel have been retained and employed, and for what purpose; and that he be also directed to state what duties are performed by the Examiner of Claims in said department, and whether such office has become necessary; and that he be at liberty to omit in his statement the expenses attending the arrest and bringing home of John H. Surratt, has the honor to submit herewith, to the President, the accompanying statement and report.

Respectfully submitted:

WILLIAM H. SEWARD.

The PRESIDENT.

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Statement of the amounts paid by the Department of State during each year since 1860 for legal services, whether as fees, commissions, costs, special allowances, or travelling or other expenses, with the names of the persons to whom money has been paid.

In the year 1861 nothing was paid for legal services, &c.

In 1862, Seth C. Hawley, esq., was paid \$411 61 for examining witnesses, papers, &c., relating to political prisoners, and for making reports to the Secretary of State thereon.

The Hon. Reverdy Johnson was paid \$3,062 for services and expenses to New Orleans, in the matter of the complaints of certain foreign governments against the military commander at that point.

George A. Coffey, esq., in 1862, was paid \$35 for expenses in the "Blanche" case.

In 1863, A. M. Hancock, esq., United States consul at Malaga, was paid \$113 50, being the amount paid by him to lawyers in the case of the "Reindeer."

In 1864, Wm. M. Everts, esq., was paid \$11,845 86 for services and expenses to England, in aid of the legations of the United States in London and Paris.

In 1865, James Monroe, United States consul at Rio Janeiro, was paid \$2,147 44, for amount paid by him for lawyers' fees and court expenses in several cases.

Alfred Russell, esq., United States district attorney, was paid \$3,886 08 for expenses and disbursements in the case of Bennett G. Burley.

George F. Talbot, esq., United States district attorney, was paid \$1,391 75, for expenses and services in the case of the "Chesapeake" pirates.

W. A. D. Morse, esq., of Halifax, was paid \$200 for services in the same case.

Wm. A. Dart, esq., United States district attorney, was paid \$1,951 70 for expenses and services in sundry Fenian cases.

H. H. Emmons, esq., was paid \$4,452 04 for services and expenses in sundry extradition cases, and other business in Canada, during two years—1864 and 1865.

Samuel Blatchford was paid \$1,354 for expenses and services in several cases under the "British foreign enlistment act."

Caleb Cushing, esq., was paid \$1,000 for services and expenses in the matter of the Hudson's Bay Company.

Messrs. Brady & Traphagen were paid \$1,500 for services in the case of Jones against the Secretary of State under the "habeas corpus act."

The governor of Vermont was paid \$11,710 37 for expenses of various kinds, including legal services, police and detectives, in the matter of the St. Albans raid.

B. Develin, esq., was paid \$10,000 in the same case as counsel fees. Mr. Develin claimed \$15,000 in gold, but only \$10,000 in currency was paid.

In 1866, E. Peshine Smith was paid for services in 1865 and 1866, \$3,348 31, in the examination and briefing of a large number of claims, including all the so-called Alabama claims against Great Britain, previous to his appointment as Examiner of Claims.

R. H. Dana, esq., United States district attorney, was paid \$500 for expenses and services in several cases, in 1863, '64, '65 and '66, under the "neutrality act," &c.

W. C. Johnson, esq., was paid \$3,650 for expenses and services in taking testimony in Oregon and California in the matter of the Hudson's Bay and Puget Sound Agricultural Companies, in support of the defence of the United States to the claims of those companies before the commissioner on the subject.

D. C. Dennison, esq., United States district attorney, was paid \$100 for services in Fenian cases.

In 1867, Thomas H. Dudley, United States consul at Liverpool, was allowed \$23,774 47 for expenditures in various cases in the English courts, during the last six years, for the recovery of the property from agents of the late rebellion.

Wm. Dorsheimer, esq., United States district attorney, was paid \$256 63 for expenses and disbursements in Fenian cases.

Wm. R. West, esq., United States consul at Dublin, Ireland, was paid \$1,500 for disbursements in Fenian cases.

F. H. Morse, esq., United States consul at London, was allowed \$666 17 for expenditures in various cases in the English courts, during the last six years, for the recovery of the property from agents of the late rebellion.

The duties performed by the Examiner of Claims are primarily what his official title denotes—the examination of the evidence and the arguments in support of all claims of citizens of the United States against foreign governments, in which the action of this department is employed through our diplomatic and consular representatives, and of all claims preferred by foreign powers in behalf of their subjects against this government. He also examines all questions of international, maritime or municipal law, arising upon the correspondence of officers, diplomatic, consular, or territorial, who act under the instructions of this department, as well as those growing out of its internal administration. He reports in all cases an abstract of the facts, together with his opinion of the law applicable to them, for the consideration of the Secretary, and as the basis, if approved, of the necessary instructions. In cases requiring the opinion of the Attorney General he prepares the papers necessary to be submitted to him, frequently obtaining his opinion upon oral consultation when the engagements of the Attorney General, as during the sitting of the Supreme Court, are such as to preclude the preparation of a formal written opinion in season for the exigencies of this department. The Examiner also watches the proceedings in all suits prosecuted or defended by this government in foreign countries under instructions from this department, and whether in its own interest, as those for the recovery of rebel property, or in that of private citizens whose defence it may assume, as in the case of certain so-called Fenians in Canada and Ireland. In short, he acts as the general legal adviser of the department in the first instance, and as the organ of communication upon legal questions with the Attorney General and other departments.

In the opinion of the Secretary, the office of the Examiner, or an equivalent office, has become not merely necessary, but indispensable, for the prompt, prudent, and safe regulation and conduct of the relations of the United States with foreign states, the protection of the government of the United States against fraud at home and abroad, and for the preservation of peace, and for the maintenance of the rights of the United States and their citizens in foreign countries. The late civil war, which is understood to have been the greatest political convulsion that has ever been experienced by any nation, gave rise to claims and litigation between the government of the United States, foreign governments and their subjects, and the subjects of foreign states against the United States government and its citizens, corresponding to the magnitude of the belligerent operations.

It has been followed by proceedings upon the northern and southern frontiers and in Great Britain, in which the rights of person and property of naturalized and native citizens are represented to be continually exposed to hazard and danger.

The organization of the Department of State furnishes no officer, other than the Examiner, competent to conduct the legal investigation daily required by these litigations. In magnitude and variety they are believed to transcend any

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facilities and force which the law department of the government is able to lend to the Department of State.

Whatever delays have at any time occurred in the transaction of business, or the prosecution or resistance of claims in the State Department, are believed to have resulted from the necessity of waiting for the action of the law department in cases where reference to it was necessarily made by the Department of State.