

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 18, 1863.—Ordered to be printed.

Mr. RICE submitted the following

REPORT.

[To accompany bill S. No. 502.]

*The Committee on Military Affairs and the Militia, to whom was referred the petitions of Captain John Mullan, United States army, having had the same under consideration, report:*

It appears that Captain Mullan, in February, 1860, sent through the mail carried by one John L. Carr, a draft upon the assistant treasurer in New York, in payment for certain commissary stores purchased by him, amounting to \$1,396 96, in favor of Lieutenant Robert McFeely, United States army, which draft was stolen from the mail by John L. Carr, and being payable to bearer, was paid to the person who presented it; that the amount has not been received by Lieutenant McFeely.

It further appears, that Captain Mullan, as superintendent of the military road from Walla-Walla to Fort Benton, sold at public auction, in August, 1862, certain property belonging to that road, and that he took in payment therefor Navy Department certificates, one of which, amounting to \$1,020, on being presented for payment, was pronounced a forgery.

Captain Mullan is held responsible for these two sums. The committee, after a careful examination of this case, are satisfied that Captain Mullan ought not to be so held. In the first instance he acted in the manner prescribed by the regulations of the Treasury Department, in making the draft payable to the bearer, and that he sent, by the means provided by the government—the United States mail—and for its loss he is in no way responsible; that he used all due diligence to arrest the robber, without success, he having made way to California, and afterwards to Nevada Territory, where he was since hung for murder.

In the case of the forged navy certificate, the committee are also satisfied that Captain Mullan acted in good faith. Such certificates were current in that country, and the forgery was so well executed that the most circumspect would have been deceived by it.

The committee, believing that in both instances he acted for the best interest of the government, and that the losses were sustained without any fault on his part, report a bill for his relief, and recommend that it pass.

