

HOUSE...No. 8.

Commonwealth of Massachusetts.

EXECUTIVE DEPARTMENT, COUNCIL CHAMBER, }
BOSTON, 10th January, 1857. }

To the Speaker of the House of Representatives :—

It becomes my duty to make the following statement of facts to the legislature. While deeply regretting its necessity, there appears to me no other way whereby I can do justice to the confidence reposed in me, and, at the same time, exonerate myself from blame in the transaction :—

By chap. 17, Resolves of 1856, the Clerk of the House of Representatives was authorized to cause to be completed, an Index of the Journals and a Catalogue of the papers on file, provided the cost of the same should not exceed \$3,000. Before I gave my assent to this Resolve, I obtained the written statement of the Clerk of the House that the work could be performed for the sum specified.

Owing to an obscurity in its phraseology, as to the period when the money should be paid, the Auditor addressed the legislature on the subject, which body, thereupon, passed chap. 40, Resolves of 1856, in the following words :—

“ *Resolved*, That the Clerk of the House of Representatives for the time being, cause to be completed, under his supervision, the general Index of the Journals of the House up to the close of the present session, and also prepare a Catalogue of the papers on file in the House, and make an Index of the same similar to the Indexes and Catalogues of the Senate; the whole expense of the work hereby authorized to be done not to exceed the sum of three thousand dollars; and the governor is hereby authorized to draw his warrant, for the payment of the expenses already incurred in the work aforesaid, under the Resolve relating thereto, approved April 5, 1856. And the governor is further authorized, as said work progresses, to draw his warrant for paying the expenses of the same in monthly payments.

“ *Resolved*, That the Resolve concerning the Journals and papers of the House of Representatives, approved April 5, 1856, be, and hereby is, repealed.”

In conformity with these provisions, a warrant was approved by the Council and signed by myself, for \$600, on the 5th of May, to pay for “expenses already incurred in the work aforesaid,” as appeared by bills rendered and approved by W. E. P. Haskell, Clerk of the House.

On the 9th of June, a warrant for \$423, founded on bills rendered and approved by Mr. Haskell, was passed by the Council and signed by myself.

On the 2d of July, further bills for \$364, were presented, but I refused to sign the warrant therefor, until I received a certificate in writing, from Mr. Haskell, that the work was progressing in proportion to the payments made thereon. My messenger returned with the statement that Mr. Haskell was absent, but that a certificate to the effect desired would be given me by his assistant, Mr. Gifford, if it would be satisfactory. I replied that it would be, when the following statement was sent me, upon which I signed the warrant.

(Copy.)

BOSTON, July 3, 1856.

I hereby certify that, in my opinion, the work has progressed in proportion to the amount expended for the same.

S. N. GIFFORD.

On the 1st of August, bills to the amount of \$502, were presented, and on a certificate similar to the above, from Mr. Haskell, were paid. This certificate cannot now be found, having probably been mislaid in the office of the Secretary of State, where the warrants are kept on file.

On the 30th of August, farther bills, amounting to \$304, were presented, and on sending for the certificate, the following was received and the money paid.

(Copy.)

I hereby certify, that the work on the Indexes of the Journals of the House of Representatives, &c., is progressing in conformity with the Resolve of 1856, chap. 40, to the best of my knowledge and belief.

W. E. P. HASKELL,

Clerk House of Representatives.

State House, August 30, '56, }

To His Excellency HENRY J. GARDNER. }

On the 30th of September, additional bills for \$610, were presented, and on again sending to Mr. Haskell, I received the following certificate and issued the warrant.

(Copy.)

This is to certify, that the work on the General Indexing of the Journals of the House of Representatives, has progressed equivalent to the moneys paid therefor.

W. E. P. HASKELL.

Sept. 30, 1856.

On the 31st of October, a claim was presented for \$197, being all the balance of the sum of \$3,000 appropriated. I sent for a certificate and the following was returned to me.

(Copy.)

This is to certify, that the work on the General Indexing of the Journals of the House of Representatives, and the Catalogue and Index of the papers, has progressed equivalent to the moneys paid therefor.

W. E. P. HASKELL,

Clerk House of Representatives.

Oct. 31, 1856.

I sent my messenger at once with the reply that the certificate was not satisfactory, inasmuch as the whole sum would be exhausted by this payment, but if he would certify that the work was done, I would sign the warrant for the balance. A message was received from him that he could not give such a certificate.

I immediately brought the subject to the attention of the Executive Council, at whose suggestion a committee of their number was appointed to investigate the progress of the work. By vote of the Council, I am permitted to subjoin a copy of their report.

(Copy.)

COMMONWEALTH OF MASSACHUSETTS.

EXECUTIVE DEPARTMENT, COUNCIL CHAMBER, }
Boston, 12th December, 1856. }

The Committee of the Council to whom was referred the bill of W. E. P. Haskell and others, for services rendered on Indexing the Journals and papers of the House of Representatives, under a Resolve of the legislature passed May 3, 1856,

R E P O R T :

That they find in the Resolve referred to, a provision in these words: "The whole expense of the work hereby authorized to be done, not to exceed the sum of \$3,000, * * * and the governor is further authorized, as said work progresses, to draw his warrant for paying the expenses of the same, in monthly payments." Your committee find that the bill submitted, together with the payments heretofore made, will exhaust the appropriation made under the Resolve.

Your committee made inquiry of Mr. Haskell, the Clerk of the House of Representatives, who had the work in charge, to ascertain if the work authorized had been completed; that officer stated to the committee, that while he denied the right of the governor to interfere with his duties, or our privileges, as a committee, to institute the inquiry, he would, as citizens, give us all the information we might desire.

Your committee, after this denial of *right*, did not, of course,

care to press the investigation farther than to learn that the work was about one-third completed, and still progressing; the Clerk stating that, at the commencement, he knew that the sum appropriated was insufficient for the contemplated work, and should rely upon the legislature for compensation for services rendered, beyond the appropriation already made, and this, notwithstanding his certificates had been given, from time to time, that "the work was progressing in conformity to the Resolve." In view of all the facts in the case, your committee would recommend that no further payments be made on account of the work, without the sanction of the legislature.

Respectfully submitted,

J. G. PEABODY, *for the Committee.*

Since the date of the above Report, Dec. 11th last, I have no positive information of the progress of the work.

HENRY J. GARDNER.

