

GOVERNMENT GLOVE CONTRACTS

Secy. Root Makes Public All Papers
Relating to Them.

A CONGRESSMAN INVOLVED.

Possibly Law Against Members of
Congress Being Interested in Con-
tracts Has Been Violated.

Washington, Aug. 3.—Secy. Root to-
day made public all the papers relating
to the investigation into the govern-
ment contracts for gloves with E. R.
Lyon. This contractor secured the
gloves from Littaer Brothers, the
senior member of the firm, L. M. Lit-
taer being a member of Congress.

Secy. Root has referred the case to the
department of justice in order that it
may be ascertained if the law has been
violated, and if so that appropriate
measures may be taken in the premises.

There is a statute which prohibits con-
tracts for the government being made
directly or indirectly with a member of
Congress, and this was the basis of the
investigation by the war depart-
ment. Col. Carlington of the inspector
general's department was directed by
Secy. Root to make an investigation of
the whole matter, which he did, taking
testimony and submitting a report
as to the facts in the case. This report
and the testimony were referred to
Judge Advocate Gen. Davis, who made
an extensive review and submitted an
opinion to Secy. Root. In his report
and opinion Gen. Davis says:

"It appears from the testimony that on
Oct. 15, 1898, a contract was awarded
to Lyon for 3,000 pairs of musketa-
reer gloves at \$1.54 per pair; on Dec. 7,
1898, a second contract for 20,000 pairs
was awarded to Lyon at \$1.70 per pair,
a stipulation being inserted in the con-
tract that deliveries under it could be
increased 50 per cent at the discretion
of the officer making the contract. This
government took advantage of the stipu-
lation and 30,000 pairs were actually
called for and delivered under the con-
tract of Dec. 7, 1898. Some discussion
having arisen as to the price which
Lyon was to pay for gauntlets delivered
under the contract of Dec. 7, an agree-
ment was entered into between Lit-
taer Brothers and Lyon to the effect
that an amount of \$100,000 was to be
paid to the contractor, and if, after the
contract was completed, it should prove
that the cost of manufacture did not
justify the price paid, Lyon was to re-
ceive one-half of the profits. There was a
profit of \$13,337, one-half of which was
credited to Lyon on the basis of the agree-
ment. A case falling within the
prohibition of the statute is clearly
shown in the testimony, which, in the
opinion of this officer, charges the de-
partment with the performance of the
duty set forth in section 4739 of the re-
vised statutes; and it is therefore recom-
mended that a demand be made by the
quartermaster-general upon the firm of
Littaer Brothers for the repayment of
whatever sum is found to have been
paid in consideration of the contract
of Dec. 7, 1898, with E. R. Lyon as
extended, in accordance with its terms
by the quartermaster's department.

"It will be observed that section 4739
of the revised statutes requires that
demands shall be made for the repay-
ment of any sums of money which may
have been advanced on the part of the
United States in consideration of any
such contract or agreement, and in the
case of a refusal or failure to repay
the same the statute goes on to re-
quire that a suit shall be instituted
for the recovery of any such sum of
money so advanced, thus making an
important distinction between those
portions of the consideration which are
advanced and those which retain their
executory character.

"Having regard to the highly venal
character of the statute above cited,
which requires it to receive a strict
construction at the hands of the de-
partment, it is recommended that the
question as to whether, in view of the
fact that the contract has been com-
pletely executed, the entire con-
sideration has passed, and the articles
stipulated for have been delivered to
and have become the property of the
United States, the whole or a por-
tion of the consideration shall be
made a part of the demand.

"The fact that a member of Congress
was a member of a firm which made
large sales of gloves and gauntlets to
the quartermaster's department has
caused the making of such contracts
to be scrutinized with the most care,
and with a degree of diligence which
by the likelihood of an attempted viola-
tion of the statute and should also have
caused him to be on his guard for evi-
dence of financial weakness on the part
of the contractor in the performance of
the agreement. The fact that it was
perfectly lawful for the bidder to make
purchases of any firms engaged in the
making of gloves, whatever their con-
dition, made it difficult for the con-
tracting officer to ascertain whether a
corrupt intent existed, so long as the
contract was carried out, and it is not
in apparent good faith; and it made it
similarly difficult to obtain information
of a positive character in respect to
the execution of a particular contract
that would justify a formal inquiry. It
was the first duty of an officer charged
with making purchases in behalf of the
United States to see that the articles
delivered were of standard quality and
that the prices elicited during the
course of the investigation showed the
prices paid and the profits realized, and
the numerous rejections of goods, re-
fusal of the standards established by
the department, shows that this
duty was thoroughly and conscientiously
performed."

Gen. Davis recommends that the
testimony of two witnesses who could
not be found by Inspector Carlington
be taken into consideration, and that the
case be continued with a view of
getting their testimony. When taken,
he says, it can be referred to the de-
partment of justice with the other pa-
pers in the case.

Secy. Root makes the following
statement on the opinion of the
judge advocate general, which sends
the case to the department of justice:

"I suppose there is no doubt that a
manufacturing firm, one member of
which happens to be a member of Con-
gress, has a right to manufacture and
sell goods to jobs who are filling
government contracts and that they
do not come within the prohibition of
the statute so long as the contract be-
tween the firm and the jobber is a sepa-
rate and distinct transaction from the
contract between the jobber and the
government. There appears to be no
provision that prohibits the manufac-
ture of gloves by the Littaer Brothers,
to be used in filling government con-
tracts made by Lyon and others, and
there was no violation of the statute
in the case. The contract of
Dec. 7, 1898, is not the duty or the
right of the secretary of war to ad-

THE OLD RELIABLE



There is no substitute

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MAYOR'S VETO IS OVERRIDDEN

Ten Votes Dispose of His Objections
to Reservoir Proposition.

WORK WILL BEGIN AT ONCE

Short Line Agrees to Pay \$12,000 for
City Lot—Other Matters before
Council Last Night.

The necessary 10 votes were secured
by the supporters of the Parley's con-
servation reservoir proposition, at the coun-
cil meeting last night to pass the Pen-
sion resolution over the mayor's veto.

Sharp's vote was added to those of the
other nine councilmen who have stood
together on the reservoir scheme from
the start and the mayor's veto was
overridden. Work on the reservoir will
therefore be commenced this year and
\$3,000 worth of work done upon it.

Councilman Peniston and the others
who supported the measure feel highly
glad that their success in passing the
resolution as they have had a hard
fight on hand since the very start.

The original proposition introduced by
Peniston provided that \$12,000 worth
of work be done this year. Mayor
Thompson promptly vetoed that, and
when the veto came up in the council
it was laid over for the week upon the
question of the reservoir.

When it came before the council
last night, Mayor Sharp's veto was
lacking to override the veto, he voting
in favor of the mayor's veto and the
council refused to pass the measure.

During the session of the council, the
city engineer of the preliminary work
including the clearing of the bed of the
reservoir, changing the road and con-
structing the rock and concrete founda-
tion for the dam, and the laying out of
the works will, at the earliest possible
date, advertise for bids for the work.

LICENSE NOT REVOKED.

The revocation of the liquor license
of Ecklund & Sutherland, former pro-
prietors of the Oriental saloon at 223
State street, was discussed by the
council at a confidential session, but was
finally referred to the license and po-
lice committee for further
investigation as to the character and
conduct of the saloon. The committee
last night, however, reported that the
barkeeper, H. A. Sweeney, was arrested
and entered a plea of guilty to selling
liquor on Sunday. The saloon has
been closed, and the license of the
partners, P. K. Christensen, attorney
for Peterson, stated that his client was
operating the saloon under an option
from Ecklund & Co. at the time this
suit of the city was brought. He was
not aware that the barkeeper had violated
the law and such violation was against
his positive instructions. He further
stated that Mr. Peterson promised to
obey the law in the future and guaran-
teed that there would be no more trou-
ble from that source. The matter was
referred for investigation as stated
above.

WILL PAY \$12,000.

An agent of the Oregon Short Line
Railroad company was present last
night with the authority to accept the
city's proposition to sell to the com-
pany the \$200,000 lot on the corner of
First North and Main streets for \$12,000,
but the report of this committee on
public grounds relating to the matter
was not reached so nothing
will be done until Thursday night, when
the adjourned session of the council.
The company first offered \$10,000 for
the lot, but the committee held out for
\$12,000, so the company has decided to
come to the city's terms.

OTHER MATTERS.

The council granted the petition of
Elihu Burgess and other residents of
Wellington avenue to include that avenue
in the sprinkling district.

City Recorder Nyström, as ex-officio
clerk of the council, reported that there
were 24 cases disposed of in the
criminal division of the court during
July, for which \$1,517.50 was received in
fines and forfeitures.

The department payrolls for the last
half of July were submitted by Auditor
Reiser and referred for approval. The
total amount of the payrolls is \$11,
312.45.

The council will hold an adjourned
session on Thursday evening to com-
plete the routine work which was un-
finished last evening.

WANTED.

We would like to ask, through the col-
umns of your paper, if there is any per-
son who has used Green's August Flower
for the cure of Indigestion, Dyspepsia,
and Liver Troubles, and who has been
cured and who also means their results,
such as sour stomach, fermentation of
food, belching, eructations, nervous feel-
ings, sleeplessness, in fact any trouble con-
nected with indigestion, to write to our
office, as we have been asked to cor-
respond with you and send you one of our
books free of cost. If you prefer trial
August Flower, try the excellent medicine. If
no, something more serious is the matter
with you. The 2-cent size has been
in use for years. Regular size 25
cents. At all druggists.
G. G. GREEN, Woodbury, N. J.

CUBAN SOLDIER.

List Completed and Shows 50,000
Entitled to Pay for Services.

Havana, Aug. 3.—A list of the revolu-
tionary soldiers entitled to pay has been
completed. In an interview Gen.
Maximo Gomez, chairman of the cen-
tral committee, stated that the list consists of
about 50,000 soldiers, and does not include
civilian employees. He believes that the
pending loan will not cover more than
half the claims and anticipated that
the Cuban congress will provide for
the payment of the balance in some
form of the bill with interest and prob-
ably discountable and transferable.

Fire Near Yosemite Valley.

Yosemite, Cal., Aug. 3.—A big forest
fire is raging tonight just outside of the
Yosemite valley and just the gateway
guarded by El Capitan and Cathedral
Rocks.

Should the efforts of the fire-fighters
fail, the flames will enter the valley
and destroy a valuable amount of
timber. State Guardian Stevens has
a large force of men at work fighting
the flames, and it is hoped that the con-
fines of the fire may be kept between
the Coulterville roadway and the Merced
river.

Forest fires have been quite numerous
in the vicinity of the valley lately, one
at Port Monroe and another in the
Illilouette canyon, doing considerable
damage to the valuable timber reserve
lands held by the national government.

To Let Indiana Convict Labor.

La Porte, Ind., Aug. 3.—The Indiana
prison board, in session at Michigan
City, has decided to let the first lot
of convict labor under new state
law. Four hundred prisoners will
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per day per man.

"Presents often en- dear Absent."

Charles Lamb

The celebrated "Dissertation
on Roast Pig" contains
no truer aphorism.

Nowadays, however, the
difficulty of choosing a present
is lessened by the fact that,
granted it is of silver, it is
sure to be acceptable.

GORHAM

silver is acknowledged
to be the best, there-
fore the best and most
acceptable present is
one of Gorham silver.

All responsible jew-
elers keep it and the
task of selection is
thereby rendered still
easier. As a measure
of precaution, however,
look for the Gorham
trade-mark.

Wants to Find His Parents.

New York, Aug. 3.—