

Case No. 16,277. UNITED STATES V. SHERLOCK ET AL.  
[18 Int. Rev. Rec. 5.]

Circuit Court, S. D. Ohio.

1873.

SURVEYORS OF CUSTOMS—COMMISSIONS ON MONEYS.

[A surveyor of customs is entitled to commissions on moneys paid to him for the treasury department, but not on moneys, already in the treasury, which are transferred to him from other places of deposit.]

This was an action brought upon the bond of T. Jefferson Sherlock, as surveyor of customs, and designated depositary at Cincinnati, Ohio, for the amount of a balance stated against him by the treasury department. He claimed in defence that he was entitled to an additional allowance for commissions upon deposits to the credit of pension agents and other disbursing officers.

Warner M. Bateman, U. S. Atty.

Stanley Matthews, for defendants.

Before SWAYNE, Circuit Justice, and EMMONS, Circuit Judge, and SWING, District Judge.

SWAYNE, Circuit Justice. The court held that he was entitled to commissions only upon moneys paid to him for the use of the treasury department, and was not entitled to commissions upon funds already in the treasury, although transferred to him from other places of deposit, as was the case with funds held by him to the credit of disbursing officers.