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Report : Memorial of E. Ogden

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S. Rep. No. 293, 34th Cong., 3rd Sess. (1856)

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IN THE SENATE OF THE UNITED STATES.

DECEMBER 18, 1856.—Submitted and ordered to be printed.

Mr. WELLER made the following

REPORT.

The Committee on Military Affairs, to whom was referred the memorial of Mrs. Eliza E. Ogden, widow of Captain E. A. Ogden, having had the same under consideration, report :

That the memorialist in this case prays to be allowed a commission upon certain disbursements made by her late husband while he was an assistant quartermaster United States army, viz: from 1838 to 1845, upon the principle recognized in the recent acts of Congress for the relief of Mrs. Heitzel and Mrs. Mackay.

Mrs. Ogden claims commissions as follows :

For disbursements on account of Indian hostilities in 1840 to 1843, 2½ per cent. upon.....	\$116,040 00
For disbursements on account of Mexican hostilities in 1846 to 1849, upon.....	403,018 31

The allowances of two and a half per cent. heretofore made to Captain Heitzel and Colonel Mackay, were so made because, at the time they performed these services—during hostilities with the Creek and Seminole Indians—the quartermaster's department had not sufficient officers for the responsible, laborious, and important duties which devolved upon them by the sudden state of war, and all the powers and faculties of the few officers composing it were taxed to the utmost. In July, 1838, Congress authorized the appointment of twelve additional officers in that corps, and Major Ogden was one of those so appointed, and not being a quartermaster at the time, for which Captain Heitzel and Colonel Mackay were compensated, he cannot be classed with them. Colonel Mackay, however, was also allowed a commission of half per cent. upon \$223,194 75, special appropriations on account of Mexican hostilities in 1846-'47, upon the principle of the act of 12th August, 1848, granting a commission to paymasters for disbursement to volunteers.

It is not believed that Congress intended this gratuity to the widow of Colonel Mackay as a precedent for its future government, particularly as the act of 3d March, 1839, provides that "no officer, in any branch of the public service, shall receive any extra allowance or com-

compensation for the disbursement of public money, unless the same be authorized by law."

The committee are of the opinion, that allowing a commission as prayed for in this case would invite all the disbursing and accounting officers of the Mexican war, both civil and military, to institute similar claims. The pay of army officers is presumed to be a recompense for all their time, and they may be said so to contract with the government when they are commissioned; and if, during war, they are charged with duties more onerous than during peace, it should by no means be considered a just reason for extra compensation.

The committee, therefore, recommend that the prayer of the memorialist be not granted.

REPORT

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