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Jane M'Crabb

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IN THE SENATE OF THE UNITED STATES.

JANUARY 19, 1855.—Ordered to be printed.

Mr. BRODHEAD made the following

REPORT.

[To accompany bill S. 556.]

The Committee of Claims, to whom was referred the petition of Mrs. Jane McCrabb, report :

The memorialist represents that she is the widow of the late Captain John W. McCrabb, an assistant quartermaster in the United States army, and she applies to Congress to be allowed a per centage for disbursement of moneys made by her late husband, out of the special appropriations for the suppression of Indian hostilities, in addition to the regular appropriations for the quartermaster's department.

In his account rendered to the department shortly before his death, which occurred in November, 1839, Captain McCrabb charged for the disbursement of \$215,259 67, at 2½ per cent., amounting to \$5,381 10, accompanied with the following statement, viz.: "Though I have charged a per centage on my disbursements, out of the appropriations for preventing and suppressing Indian hostilities, from a deep conviction that it is a just and equitable claim, and should be allowed as a just recompense for the extraordinary and unusual risks and responsibilities I had to encounter in making the said disbursements, I have retained no portion thereof," &c. The disbursements were made in Florida in 1837, and following years.

The charge was disallowed by the accounting officers, as were also similar charges made by Major Hetzel and Captain Mackay, in both of which last named cases Congress has interposed by special enactments, directing the allowance of the commissions charged.

In their report accompanying the bill for the payment of the per centage to the widow of Colonel Mackay, the Committee on Military Affairs of the House of Representatives say: "These disbursements of special appropriations are considered to have been no part of the official duty of Colonel Mackay; and such being the case, it was reasonable for him to expect the usual compensation for taking upon himself the labor and responsibility of making them." In laying down this rule, the House committee refer to a letter of General Jesup, dated

December 15, 1853, as recognizing the justice and equity of the principle. General Jesup says :

“ When the Creek and Seminole Indians became hostile, a large force of militia and volunteers was necessarily called into service. The quartermaster's department, organized for a limited peace establishment, had not sufficient officers for the responsible, laborious, and important duties which devolved on it, by the sudden state of war ; all the powers and faculties of the few officers composing it were taxed to the utmost. Congress, satisfied of the necessity of an increase, authorized, in July, 1838, the appointment of twelve additional officers. These additional officers were mostly at their posts, it is understood, by the close of the third quarter of the year 1838.

“ As these officers were appointed in direct reference to the large militia and volunteer force required in addition to the regular army, I should not consider any extra compensation due for disbursing the special appropriations after the 30th of September, 1838, whatsoever equity there may be in such claims for disbursing those appropriations previous to that time.”

The committee consider the claim of Mrs. McCrabb to the extent above indicated, a just and equitable one, and in accordance with the precedents established by Congress in the cases above alluded to ; they therefore report the accompanying bill, and recommend its passage.

It appears from a statement from the Quartermaster General's office, hereto annexed, that the amount disbursed by Captain McCrabb, out of the special appropriations referred to, prior to the close of the third quarter of 1838, was \$191,204 77, upon which sum the commission of $2\frac{1}{2}$ per cent., as allowed in the other cases referred to, would amount to \$4,780; the payment of which is authorized by the bill.

The balance of the claim being for disbursements made subsequently to the 30th of September, 1838, when the additional officers commenced duty, is disallowed. The amount claimed is \$5,381 10, the amount allowed by the bill \$4,780 10, being a reduction of \$601.