

ALEXANDER G. MORGAN.

[To accompany bill, H. R. No. 653.]

MAY 31, 1836.

Mr. E. WHITTLESEY, from the Committee of Claims, made the following

REPORT:

The Committee of Claims, to which was referred the papers of A. G. Morgan, report:

That the claim is unaccompanied by a petition, and the committee has not even the advantage of a resolution of instruction, to direct it to a specific point of inquiry. From various letters and papers, the committee is led to believe, that A. G. Morgan presents two claims:

1st. For the loss of a horse and wagon in 1832, in the campaign against the Fox and Sac Indians; and

2d. For a compensation as extra aid de camp to General Brady, under an appointment made by him.

In a certificate without date addressed to Colonel R. M. Johnson, he alleges that he had a wagon and two horses in the said service, which he purchased and employed at the request of Colonel March, Quartermaster General, and under the promise of said Colonel March, that he should be paid for the use of the said team and wagon; that at Lake Kuskening the wagon was sent to Fort Winnebago with Generals Henry and Dodge's command, in charge of A. McNair, who was permitted to bring in it by the complainant, besides the hospital stores, such suttlings goods as he might require; and that owing to the forced marches the wagon was abandoned with the horses, by order of Col. Dodge.

He says he drew from the quartermaster the pay agreed on per day for the hire of the team; but no compensation for the loss of them has ever been received by him, but that he has understood the commanding officer at Fort Winnebago sent for and recovered the wagon. The testimony of the commanding officer referred to, has not been taken, nor has that of Colonel March, with whom the claimant says he made the agreement. As the case appears before the committee, the testimony of both of these officers becomes important.

The same claim in the name of A. R. McNair, for the horse and wagon and sutler's stores, was presented General Jesup for settlement. The time when it was presented, does not appear; but the following endorsement was made on the back of the papers: "Sutlers are not entitled to remuneration for any property lost on a campaign. They follow the army, subject to all the casualties of war, and are their own insurers. This claim is entirely inadmissible. Thomas Jesup, Quartermaster General."

Several officers certify that the supplies which Mr. McNair was compelled to leave, in consequence of the forced march, were of the value of \$294 90.

Isaac Plasters, Brigade Quartermaster of the 3d brigade, certifies that the wagon and harness of Antoine R. McNair, was valued at one hundred and sixty dollars, on the 19th of July, 1832, and abandoned by order.

Also, that the sorrel horse of said McNair was valued at \$100, and left during the forced march after the hostile Indians, in consequence of his inability to proceed any further than the Blue Mounds.

General Dodge certifies that he united his command with General Henry to follow the Indians by a forced march, and that General Henry ordered the wagons to be left; and to his knowledge Mr. McNair left the sutler's wagon near the rapids on the Upper Rock river, much against his consent. He stated he would lose his sutler stores, as well as his wagon."

These papers were presented by Mr. Morgan, to sustain his claim for the horse or horses, and wagon.

Mr. Hagner says, in answer to a letter addressed to him by the committee, that "no voucher for any payment to the claimant can be found but A. R. McNair appears to been paid \$153 for the service of a team in 1832."

A copy of the voucher is before the committee.

The charge is for a team of two horses, wagon and driver, from the 15th of June to the 6th of August, including the time for returning home, making fifty-one days, at three dollars per day, amounting to the sum of one hundred and fifty-three dollars. Mr. McNair received the amount in full on the 3d of August, 1832.

The discharge of the team, by order of E. C. March, Q. M. G. is signed on the 28th of July, 1832, by P. Traville, Assistant Quartermaster General, with an allowance of nine days to go home. This is followed by a certificate of Enoch C. March, Quartermaster General of the Illinois militia, that he did employ A. R. McNair to perform the service mentioned in the account and that Mr. Traville was authorized by him to discharge the team.

The testimony very satisfactorily proves there was only one team, and all the written evidence proves it belonged to Mr. McNair.

If he was transporting sutler's stores, he was not entitled to the pay he received. General Jesup's decision, in the opinion of the committee, is correct.

The claim for pay as an aid-de-camp was presented to General Macomb for his sanction, and on the 1st of October, 1834, in a letter to Colonel R. M. Johnson, he declined to give it, because the regulations required that a brevet general should obtain the sanction of the War Department to the appointment of an aid-de-camp, which was not done in this case.

Application was made again to General Macomb to sanction the appointment, when the subject was submitted to the Secretary of War, who concurred in the opinion expressed by General Macomb, of which notice was given to Colonel Johnson on the 13th of February, 1835.

The question is submitted to Congress whether pay shall be allowed the claimant for services which he performed under an irregular appointment.

Governor Reynolds, as the commander-in-chief of the militia in Illinois, appointed Mr. Morgan first lieutenant in a company of mounted volunteers, on the 13th of June, 1832, to continue in office until discharged.

General Brady appointed him his extra aid-de-camp on the 27th of June, 1832, during the then Indian contest. The committee requested information of Governor Reynolds, and of General Brady, as to the necessity of making the appointments mentioned, and as to the services performed under them. Governor Reynolds says, he was informed that General Brady wanted an extra aid on the march, and understanding he could not make an appointment from the ranks, but must take his staff from the officers, he gave Mr. Morgan the appointment of first lieutenant to enable General Brady to take him into his staff. He was with the army most of the time, and saw Mr. Morgan doing duty as General Brady's aid, and he supposed his services were necessary in that capacity.

General Brady says he supposed the exigency of the service required the appointment, or he should not have made it. He was assigned to the command of a division, and having no division quartermaster, Mr. Morgan usually attended to that duty on the march in pursuit of the Indians from the 27th of June until the 24th of July, and he says he found him a very efficient officer; and he expresses the hope his pay will not be withheld from him.

If staff officers are unnecessarily increased without the authority of the War Department, and without the sanction of law, they ought not to be paid, although they may have rendered services. As an appeal must be made to Congress in such cases, there is no great danger that officers commanding brigades or divisions will needlessly and improperly increase the number of their staff.

It is to be taken into consideration that General Brady was on the north-western frontier, many hundred miles from the seat of the General Government, which made it impracticable for him to consult the Secretary of War on the subject of increasing his staff. The appointment being necessary in the opinion of the commanding general, and having been made in good faith, and the claimant having rendered important services, in the opinion of the committee he ought to be paid the same compensation he would have been entitled to if his appointments had in all respects been regular and legal.

The committee not having the datas from which to ascertain the amount that should be paid, it will present a bill referring the settlement of the claim to the accounting officers of the Treasury Department, to make the allowances he would have received if his appointments had been regular.