

JOHN WILSON.

[To accompany bill H. R. No. 64.]

DECEMBER 14, 1837.—Reprinted.

MAY 31, 1836.

Mr. P. C. FULLER, from the Committee of Claims, made the following

REPORT:

*The Committee of Claims, to which was referred the petition of John Wilson, inspector general of the first division of Missouri militia, report:*

That General Wilson asks pay for services rendered in the Black Hawk war. He states that his name was accidentally omitted on the muster roll-sent to the Department; and the Paymaster General says, in a letter to the Governor of Missouri, "as Mr. Wilson's claim was not presented in time to be included in the estimates and appropriations, it cannot, agreeably to the decision in other cases, be allowed."

The Paymaster General, in his reply to some inquiries made of him by the chairman of the committee, intimates a doubt whether the United States are under an equitable obligation to pay for the services of this officer. The doubt arises from the small number of troops in the service of the United States, in connexion with which General Wilson was called to act. This number did not exceed, at any period, four companies; and the Paymaster General is of opinion that the pay and emoluments of a subordinate officer, (say a lieutenant,) for the few days required for the service, with ten cents a mile for transportation, travelling to, and returning from, the place of inspection, would be equitable in the present case.

The committee do not view the matter in the same light. The proper authorities of the United States, in a case of emergency, call on the proper authorities of a State to furnish, at a given time and place, a certain number of troops; the officers of the militia receive the orders of the State Executive; and to execute those orders promptly and faithfully, should be, as it is, their only concern. But if it were understood that a brigadier, or an inspector of division, might be compelled, either by the inattention or the miscalculation of his superior, or from any other circumstance or accident beyond his control, to act a subordinate part, or to receive their compensation upon any other principle than that of rank, the effect upon his vigor and alacrity must soon be perceptible. The State authorities may order into service officers disproportionate to the troops, in number or in rank; but if these officers are received and re-

tained in the service, it must, in the judgment of the committee, be a strong case that would justify the United States in refusing to pay them. The State authorities would seem to act rather as the agents of the General Government; and while acting in good faith, and within the sphere of their powers, the General Government has considered itself bound by their acts; and it would certainly be a questionable exercise of authority which should compel a field officer to receive the pay of a captain during such time as he may have been suffered to remain with no more than a company of men under his immediate command.

The Governor of Missouri certifies that the petitioner, "John Wilson, division inspector of the first division of Missouri militia, was, as such, ordered into service by the Executive of that State."

In his petition, General Wilson states that he was engaged in the service referred to about eight weeks. He is mustered as in service twenty-eight days. The committee report a bill, providing that he shall receive pay for the last-mentioned period of time, according to his rank.

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