

MRS. ANNE W. BUTLER.

[To accompany bill H. R. No. 784.]

FEBRUARY 23, 1855.

Mr. FAULKNER, from the Committee on Military Affairs, made the following

REPORT.

The Committee on Military Affairs, to whom was referred the memorial of Anne W. Butler, widow and legatee of the late Captain James R. Butler, U. S. A., have, according to order, had the same under consideration, and submit the following report:

It appears that the late Captain J. R. Butler was, for a long number of years, military storekeeper at the U. S. arsenal located at Allegheny, in the State of Pennsylvania; that during his service as such, he was called upon to perform, and did perform, various important services in the Subsistence, Quartermaster's, and Indian departments.

For these services the petitioner, as legatee of her late husband, claims compensation from the 1st of August, 1838, to the 29th of April, 1842, and a commission of 2½ per cent. for disbursements made by him whilst in the performance of those services.

The committee submit the following letter from the Deputy Quartermaster General, as more clearly setting forth the case than anything they can say:

QUARTERMASTER GENERAL'S OFFICE,
Washington, January 18, 1853.

SIR: Your letter dated the 10th instant, enclosing a copy of an account stated by the late Captain James R. Butler, military storekeeper at Allegheny arsenal, and asking information in relation thereto, was duly received; and, in reply, I have to report that it appears that Capt. Butler was appointed ordnance storekeeper in 1826, and served in that capacity until the time of his decease, in 1842; that he performed the duty of acting assistant quartermaster, in addition to his regular duties, from April 1, 1841, to April 29, 1842, during which time he disbursed the sum of \$6,000 57, being all the money he disbursed on account of the Quartermaster's department during his service as military storekeeper; that from information derived from the Commissary General of Subsistence and the Treasury departments, it appears he acted as assistant commissary of subsistence from August 1, 1838, to December 31, 1841, as stated in the account, during which period he disbursed

the sum of \$8,927 34 on account of the Subsistence department—amount disbursed in both departments from August 4, 1838, to April 29, 1842, being \$14,927 91.

It appears, however, that he acted in the Subsistence department prior to August 1, 1838—say from January 1, 1835, to August 1, 1838—during which period he disbursed \$9,335 81. This is probably part of the sum of \$370,000 on which he charged 2½ per cent.¹

It appears from information derived from the Commissioner of Indian Affairs that he was employed by the Indian department "a few days" in 1840, and the same in 1841, "in receiving and attending to the transportation of certain annuity goods for Indian tribes," having been called upon to aid that department in consequence of his position as military storekeeper at Pittsburg; "that the service was cheerfully and gratuitously rendered, there being no understanding that he was to receive compensation therefor."

The amount of his disbursements in the Indian department amounted to but \$99 39.

Thus it appears from the foregoing that Captain Butler acted in the Quartermaster's department, in the Subsistence department, and a few days in the Indian department, during his period of service as military storekeeper, in addition to his legitimate duties; and that he disbursed on account of those departments \$24,263 72 in the aggregate, for which he might have been entitled in equity to a per-centage on his disbursements, or extra pay for extra services. Had he been a commissioned officer in the army, he might have received, in addition to his regular pay, &c., as acting assistant commissary of subsistence from January 1, 1835, to April 1, 1841, 75 months, at \$4..... \$300
 Acting assistant commissary of subsistence and acting assistant quartermaster from April 1, 1841, to December 31, at \$14 per month* 126
 Acting assistant quartermaster from January 1, 1842, to April 29, 1842, at \$4..... 16

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By information derived from the Ordnance department it appears that Captain Butler disbursed, on account of that department, from January 1, 1835, to August 1, 1838, the sum of \$279,705 29, the whole of which was in discharge of his official duties as paymaster and military storekeeper; consequently he is not entitled to per-centage on it any more than any paymaster or other disbursing officer of the army.

I enclose herewith the letters from which the information in regard to other departments has been derived, and remain,

Very respectfully, your obedient servant,

By order:

CHARLES THOMAS,

Deputy Quartermaster General.

Hon. TH. M. HOWE,

Member House of Representatives, Washington.

* NOTE.—An officer of the army receives \$10 a month as assistant commissary of subsistence to a small detachment, less one ration, \$6—leaving but \$4 a month extra; for both duties \$20 a month, less one ration—\$14 a month extra.

The committee have concluded that Captain Butler was only entitled to such an allowance as he might have received, had he been a commissioned officer, in discharge of duties similar to those he performed, and was not entitled to a per-centage for all of the disbursements he made, a great portion of them having been made in pursuance of his legitimate duties as paymaster and military storekeeper, and the remaining portion having been disbursed; a part of it prior to the passage of the law of March 3, 1839, providing that "no officer in any branch of the public service shall receive any extra allowance or compensation for the disbursement of public money, unless authorized by law," and a part of it subsequent to the passage of that law. The committee think, that the most equitable allowance that can be made is the sum of four dollars per month, (the extra pay of an officer acting as assistant commissary of subsistence) for seventy-five months, between the 1st of January, 1835, and the 1st of April, 1841, amounting to \$300; the sum of \$14 per month, (the extra pay of an officer acting as assistant commissary of subsistence, and acting assistant quartermaster,) from April 1, 1841, to December 31, 1841, amounting to \$126; and the sum of four dollars per month, (the extra pay of an officer acting as assistant quartermaster) from January 1, 1842, to April 29, 1842, amounting to \$16; the aggregate amount of what the committee think Captain Butler is entitled to, being \$442; the space between the dates stated being the actual time during which Captain Butler was engaged in the extra duties aforesaid.

The committee, therefore, report a bill.