

HEZEKIAH MILLER.

[To accompany S. bill No. 279.]

JULY 22, 1854.

Mr. EDGERTON, from the Committee of Claims, made the following

REPORT.

The Committee of Claims, to whom was referred Senate bill No. 279, "for the relief of Hezekiah Miller," report :

That the Senate report, upon which this bill is based, (and which is annexed hereto,) is not deemed satisfactory or conclusive. The most that can be said is, that the Secretary at one time contemplated giving the petitioner a better office than the one he then held ; but the Secretary did not carry out his good intention. This failure to gratify the wishes of a good officer for a better office cannot be construed, by any rule known to this committee, into a legal claim to a sum of money to be levied from off the property of the people of the United States. The rejection of the bill is therefore recommended.

MARCH 11, 1854.

The Committee of Claims, to whom was recommitted the memorial of Hezekiah Miller, together with additional documents, report :

This is an application for the payment of the difference between the amount actually paid to the memorialist for his salary as a clerk in the Bureau of Indian Affairs, between 1828 and 1833, and the amount to which he claims to have been entitled to receive.

The facts are stated in a report from this committee, made at the last session, (No. 202,) as there presented.

But the following statement of Mr. McKenny, then the head of the bureau, is now submitted, to show that the promotion of Mr. Miller was actually ordered by the Secretary of War, although it failed to be properly entered upon the records of the department. Colonel McKenny says : "I now state that I did make application to the then Secretary of War, General P. B. Porter, to promote you to the fourteen hundred dollar salary at that time (the latter part of the year 1828) made vacant in the War Department by the resignation of Mr. Fenner ; and that General Porter, after hearing me on the extent of your duties and the inadequacy of your pay, which was one thousand dollars, acquiesced in my views, and decided that it should be so ; that is, that your salary

should be henceforth \$1,400 instead of \$1,000. This result I reported to you."

Notwithstanding this informal decision, however, the salary continued to be paid at the rate of \$1,000 a year until 1830, when, on his application, it was increased to \$1,150; the next year (1831) it was reduced to \$1,091 50; and in 1832 to \$1,000. In 1833 it was finally fixed at \$1,400. His claim now is, that he was entitled to \$1,400 a year from the 1st of January, 1829, as designed by General Porter, and that the sum of \$1,358 44 has been unjustly withheld, for which he should be paid principal and interest from January 1, 1833. In 1840 he was promoted to a salary of \$1,600, which he is now receiving.

Under these circumstances, the committee are disposed to allow the principal sum claimed, but no interest; and submit the accompanying bill for the consideration of the Senate.