

WILLIAM H. BELL.

[To accompany bill H. R. No. 383.]

MARCH 3, 1836.

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

REPORT:

The Committee of Claims, to which was referred the papers of Captain William H. Bell, report:

That claimant, who was an officer of the Government, acted as assistant engineer at the Delaware breakwater, from the 4th of April to 24th of July, 1831, making one hundred and eleven days, for which he claims \$1 25 per day, and double rations, equal to eighty cents per day. The President admits the justice of his claims, but says he has no authority by law to allow it, and refers him to Congress. Offices under our Government are in the nature of a contract. The Government creates the office, prescribes the nature of the duties, and fixes the compensation; but the amount of services is generally contingent, and the Government has a right to increase or diminish them at pleasure, because the officer agrees to this when he accepts the appointment. But the Government has no right to demand services of a different character from that of his office, merely because he is already one of its officers, for that would be contrary to the understanding of both at the time he entered on the discharge of his duties; were it otherwise, an officer of humble station and small compensation might be required to perform the duties of a highly responsible one, which, owing to its magnitude, has a large salary attached to it; and that, too, contrary to his understanding when he accepted the one of less responsibility. This can neither be just nor legal. The committee, therefore, think that an increase of duty or labor, strictly in discharge of the office he holds, should not be a ground for extra pay; but where services of a character entirely different from those pertaining to the office he holds, he is entitled to an extra allowance.

In this case, the claimant was a lieutenant in the Ordnance Department, for which the committee presume he was paid, and what additional compensation he should receive when he discharged the duties of engineer, they are at a loss to determine. The Department has allowed Lieutenant Dimmock, while he discharged the same duties at the same place, \$1 25 per day; whether he received eighty cents for double rations does not appear. The committee would think his services worth as much as Dimmock's, and report a bill accordingly.

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The Committee is of the opinion that the Commission should be organized as a permanent body, and that its members should be appointed for fixed terms of years, and that the President should have the right to appoint and remove the members of the Commission, subject to the confirmation of the Senate.

The Commission should be empowered to investigate and report upon the conduct of the Executive Department, and to recommend such measures as may be necessary for the improvement of the same.

The Commission should be empowered to hold public hearings, and to receive and consider such suggestions and recommendations as may be presented to it by the public.

The Commission should be empowered to call upon any department or officer of the Government for such information and documents as may be necessary for the purpose of its investigation.

The Commission should be empowered to report to the President at such times and in such manner as it may deem proper.

The Commission should be empowered to make such investigations and reports as may be necessary for the purpose of its duty.

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