

JOSEPH NOURSE.

[To accompany bill H. R. No. 70.]

DECEMBER 14, 1837.—Reprinted.

JULY 2, 1836.

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

REPORT:

The Committee of Claims, to which was referred the petition of Joseph Nourse, report:

That this case has been brought before Congress at former sessions. In 1832 it received a favorable report from the Committee on the Judiciary of the Senate. In 1834 the Committee of Claims of the House made a report in favor of relief to the petitioner, accompanied by a bill, which did not receive its final action. The present committee, concurring in the views presented in the said last-mentioned report, adopt the same as a part of its report, and present a bill for the petitioner's relief.

MARCH 28, 1834.

The Committee of Claims, to which was referred the memorial of Joseph Nourse, report:

The memorialist asks compensation for extraordinary services rendered by him to the Government, wholly distinct from his official duties as Register of the Treasury, in disbursing certain funds placed in his hands as special agent for divers separate public objects. It appears that these services were of the following character, viz:

- 1st. Disbursements on account of the Treasury Department.
- 2d. Disbursements for stationary, and printing the public accounts.
- 3d. Disbursements on account of the congressional library.
- 4th. Disbursements for pay of superintendent and watchmen of the State and Treasury Departments.
- 5th. Advances to sundry persons who brought from the several States the votes for President and Vice President of the United States.
- 6th. Miscellaneous disbursements under fifteen different agencies.

These services of the memorialist were commenced in 1790, and continued to June, 1829, extending through a period of nearly forty years. In the management of these agencies, great risk and responsibility must

have been incurred. Many of the hours allowed by the rules of office for relaxation from its labors, must, through the whole period, have been often consumed with the details of the duties thus devolved upon him. The sums disbursed under these agencies requiring vouchers and entries in account, and which were, to a very great extent, of small amounts, formed an aggregate of \$943,308 83; and they were all regularly and faithfully accounted for at the Treasury.

These various and extensive services of the memorialist formed no part of his official duties, but occupied a considerable portion of his private hours; and that they were such as to justify and demand extra allowance and compensation, will appear from the certificates of Oliver Wolcott, Albert Gallatin, William H. Crawford, and Richard Rush, Secretaries of the Treasury, hereunto annexed, and made a part of this report.

The reasonableness of such allowances is admitted by the Government in its uniform usage in the civil, military, and naval departments. In the present case, the services rendered, and allowance claimed, have both been reviewed and reported on by auditors appointed by the district court of the United States, in a suit between the Government and the memorialist; and the report of said auditors, printed herewith, is referred to as a part of this report.

The amounts disbursed through the whole time aforesaid are clearly shown by copies of the accounts settled by the memorialist at the Treasury Department, from which, and from other evidence offered in the case, the committee are satisfied his labors must have been onerous, and the responsibility great.

In view, therefore, of all the facts and circumstances of the case, the committee think the memorialist entitled to an allowance, at the rate of compensation expressed in the report of said auditors on said disbursements, and report a bill accordingly.

Certificate of Oliver Wolcott, formerly Secretary of the Treasury, dated in 1801, when application was made for compensation.

JANUARY 19, 1801.

I certify that Joseph Nourse, Esq., Register of the Treasury, has been employed as agent for defraying the incidental and contingent expenses of the Department since its establishment, and that he has regularly accounted for the moneys intrusted to him, to a recent period.

The disbursements have been numerous, and of course must have occasioned considerable trouble to the Register, for which he has received no specific compensation.

OLIVER WOLCOTT.

Certificate of Albert Gallatin, formerly Secretary of the Treasury.

NEW YORK, April 17, 1832.

I do hereby certify that Joseph Nourse, then Register of the Treasury, was, during the whole time I was Secretary of that Department, charged

with the superintendence of the buildings, and the agency for paying the contingent expenses of the Department, including the necessary advances to clerks before their salaries became legally due; and that those services, which were attended with labor and responsibility, formed no part of the duties of the Register of the Treasury as such, so much only excepted as related to the contingent expenses of his own office.

ALBERT GALLATIN.

Certificate of William H. Crawford, late Secretary of the Treasury.

WOODLAWN, September 17, 1830.

I do hereby certify, that when I became Secretary of the Treasury, a sum for the contingent expenses of each office in the Department was appropriated by law, and each officer expended the sum so appropriated for his office, thereby creating a competition injurious to the public, especially in the articles of wood and coal. I prevailed upon Congress to appropriate an entire sum for the contingent expenses of the Treasury Department. This entire sum was, by my direction, placed in the hands of Joseph Nourse, the Register of the Treasury, and by him expended for the officers in the Department. As well as I recollect, contracts were annually made by him for all the fuel used for the Department, &c. I believe the other contingent articles of the Department were obtained in the same manner. He also acted as agent for the Joint Library Committee of Congress. For the above services, I am not aware that he has received any compensation. I, however, always expected that he would have been allowed the per cent. usually allowed as compensation upon the expenditure of public money, and a claim for such allowance made and submitted for my consideration would have been sanctioned; for the services rendered by him in disbursing the contingent appropriation of the Department were no part of his duty as Register.

WILLIAM H. CRAWFORD.

Certificate of Richard Rush.

WASHINGTON, July 30, 1830.

MY DEAR SIR: Referring to our conversation of yesterday, I beg leave to say that your father, the late Register of the Treasury, acted as agent for defraying the incidental and contingent expenses of the Department during the whole time I was there as Secretary.

The disbursements on account of that agency were numerous, being made up of a great number of small items, and, without doubt, must have given the Register much trouble, for which he received no specific compensation during my time.

I remain, my dear sir, most faithfully, yours,

RICHARD RUSH.

Major NOURSE.

Opinion of the Attorney General in a similar case.

OFFICE OF THE ATTORNEY GENERAL UNITED STATES,
December 12, 1828.

SIR : I understand the facts stated in Governor Cass's letter of the 26th November to be admitted, and, if so, I can perceive no ground on which his claim can be properly resisted. His salary as Governor is a compensation for his services as Governor, but the services for which he claims do not belong to his duty as Governor of the Michigan Territory. And, having been employed by the Government to perform these services, he has a fair claim for them on the principles of *quantum meruit*. These facts conceded, his right is, I think, undeniable.

I have the honor to remain, sir,

Very respectfully,

Your obedient servant,

WILLIAM WIRT.

The Hon. PETER B. PORTER,
Secretary of War.

*In the case of Joseph Nourse against the United States of America,
before the district court of the District of Columbia.*

The subscribers, appointed auditors by the decree of the court in the above cause, made on the 20th day of this month, of which a copy is annexed, to value the services of the complainant, and the compensation to which he is equitably entitled for the same, and for disbursements of public money made by him, at the request of the United States, through the respective Secretaries of the Treasury for the time being, over and above the services required by the duties of his office of Register of the Treasury of the United States, respectfully report : That it appears, from the documents and evidence submitted to them, that, from the 10th of April, 1790, to the 31st of May, 1829, thirty-nine years one month and twenty-one days, the complainant, as agent for the payment of contingent expenses of the Treasury Department, for stationary, and printing of public accounts, for payment of the superintendent and watchmen of the State and Treasury Departments, for miscellaneous disbursements comprising fifteen different agencies, for advances made to sundry persons who brought from the several States the votes for President and Vice President of the United States, and on account of the congressional library, disbursed the sum of nine hundred and forty-three thousand three hundred and eight dollars and eighty-three cents ; the services rendered in which such agencies, and in making said disbursements, were over and above the services required of him, by the duties of his office, as Register of the Treasury of the United States. We find that for similar services, where no special provision had been made by law, a commission of two and a half per cent. has been heretofore, in many cases, allowed at the Treasury of the United States ; and we are of opinion that a commission of two and a half per cent. on the said sum of nine hundred and forty-three thousand three hundred and eight dollars and eighty-three cents, amounting to the sum of twenty-three thousand five hundred and

eighty-two dollars and seventy-two cents, is an equitable compensation for the services so as aforesaid rendered to the United States by the said Joseph Nourse, and that the said services are equitably worth the said last-mentioned sum.

All which is respectfully submitted.

R. I. TAYLOR,
PHINEAS JANNEY,
COLIN AULD.

ALEXANDRIA, *December* 31, 1830.

