

WEIGHERS AND GAUGERS.

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES,

TRANSMITTING

Communications respecting the compensation of weighers and gaugers.

FEBRUARY 1, 1853.—Referred to the Committee on the Judiciary.

To the House of Representatives:

Since my last message to your honorable body, communicating a report from the Treasury Department in answer to your resolution of the 3d instant, in reference to the compensation of weighers and gaugers, further communications on that subject have been received from New Orleans, which have just been reported to me by the Secretary of the Treasury, and which I deem it my duty to communicate to the House.

MILLARD FILLMORE.

WASHINGTON, January 27, 1853.

TREASURY DEPARTMENT,
January 27, 1853.

SIR: Since forwarding you the papers from this department, in connexion with the claim of the weighers and gaugers for additional compensation, in reply to the resolution of the House of 3d instant, the department has received a memorial on the subject from the assistant weighers and gaugers at New Orleans, copy of which I have the honor to forward herewith, as it contains information which you may think advisable should be laid before the House as to the amount of existing claims at that port and the probable share to individuals, and also as to the claim these assistants make to participate with the principals in case Congress should think proper to make any allowance to the parties.

Understanding that it is stated that the department has not made any positive decision on the subject of these claims, I transmit herewith copy of a letter, prepared by the express instruction of the Secretary, and submitted to him, addressed to Mr. C. P. Clinch, one of the claim-

ants, by which you will perceive that the department disallowed his and other similar claims.

I have the honor to be, sir, your obedient servant,

WM. L. HODGE,
Acting Secretary of the Treasury.

The PRESIDENT.

NEW ORLEANS, *January 3, 1852.*

SIR: In view of the probable success attending the effort now making at Washington to recover the fees accruing in the offices of weigher, gauger, and measurer since 1840, the undersigned, late and present "assistant" weighers, gaugers, and measurers at this port, naturally feel some solicitude as regards their rights to participate equally in the division of said fees; and believing they are so entitled, both legally and in justice and equity, they think proper, in order to protect their interests, to notify you of their intention to claim an equal share of said fees with the gaugers, measurers, &c., as also their salary, to be paid out of the same at the rate of \$1,500 per annum.

They rest their claim on the ground that, although acting under the title of assistants, yet they were, to all intents and purposes, clothed with the functions of head gaugers, weighers, &c.; they performed the same duties—were appointed to and sworn into office in the same manner; their title was known in law and recognised by the department, the only difference between the two being in respect to the salary paid. They would further premise that this is the only port where the practice of appointing "assistants" has prevailed. But waiving the question of their legal rights, and viewing their claim on the basis of justice and equity, they cannot for a moment suppose that a rigid *technical* construction of the law will be allowed to outweigh the justice of their demands. The fact is incontrovertible that they have performed an equal share of the duties; and as the allowance of the fees can only be regarded in the light of a gratuity or legacy, resulting from an accident in the legislation by Congress, it seems to the undersigned that, on the principles of common justice, they should be allowed to participate in this most unexpected donation.

The undersigned estimate the surplus of the fees in the three offices at this port as reaching very nearly \$400,000; which sum, if it is decided the gaugers, weighers and measurers are alone interested, will be divided among some half dozen individuals, or, in other words, the anomalous and unequal state of things will be presented of one individual receiving from \$15,000 to \$20,000 a year for performing the same services rendered by another at \$1,200 a year!

The undersigned cannot believe that such gross injustice will be allowed to prevail; and their object in making this appeal to the honorable Secretary of the Treasury is for the purpose of protesting against the payment of the fees in question, unless on the principle of an equal division with the assistants, until such time as they can bring their case

before Congress, and get the decision of that body as to their right in the premises.

WM. S. BROWN,
Assistant Weigher.

S. MALARD,
Assistant Gauger.

JOHN DE BUYS,
Assistant Measurer.

J. E. QUIRE,
Deputy Gauger.

Hon. THOMAS CORWIN,
Secretary of the Treasury.

TREASURY DEPARTMENT,
January 19, 1853.

SIR: I acknowledge the receipt of your letter of the 17th, with an account for additional compensation as one of the weighers of New York, and state, in reply, that the President, the Attorney General, and the department have decided against the legality of this and all similar claims; and therefore they cannot be allowed.

The account is returned herewith.

Very respectfully, your obedient servant,

WM. L. HODGE,
Acting Secretary of the Treasury.

CHAS. P. CLINCH, Esq.,
New York.

THE
OFFICE OF THE
SECRETARY OF THE
NAVY
WASHINGTON, D. C.
JANUARY 1, 1900
LETTER NO. 1000

TO THE
HONORABLE
MEMBERS OF THE
NAVY
DEPARTMENT
WASHINGTON, D. C.

RECEIVED
JANUARY 1, 1900

THE
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SECRETARY OF THE
NAVY
WASHINGTON, D. C.