

Circular.

To the several surviving Officers of the Army of the Revolution.

GENTLEMEN—Understanding that some questions have arisen in regard to the commissions on the agency, by means whereof, the law for your relief, was obtained at the late session of Congress, we beg leave to submit the following observations.

Commissions are incident to every agency, *not gratuitous*, and in the absence of a special agreement, the rate, necessarily must vary according to the circumstances of the transaction—thus, where expenses of time and money are to be incurred—where extra exertions and professional knowledge are requisite in the prosecution of a claim, and where, in the event of failure, no commission or other remuneration is to be received, the rate must be in proportion to the means employed and the chances of success.

In the present instance there had been made to Congress four fruitless applications, and the claim had become so entirely hopeless, that no officer in New-York, Philadelphia or New-Jersey, could be found who would risque a further dollar in its support.

In this state of things there was held at Baltimore, on the 13th August, 1827, agreeably to public notice, a general meeting of officers from different parts of the United States; in which convention it was resolved, that it would be expedient to continue the prosecution of the claim before the then next ensuing session of Congress; and to this end *four* agents were appointed under the conditions, that if successful they should be entitled to receive five per cent. on such grant as might be obtained, and of course if they failed, that they should have no remuneration whatever. This resolution was unanimously agreed to, duly published, and either expressly or impliedly, assented to by each individual interested therein.

In faith of this resolution, the agency was undertaken and was recognised by each branch of the Government—memorials were presented, and measures adopted to promote success. The opposition which was made to the bill—its hair-breadth escape—the persevering exertions, and the final results, are well known to you all.

Under these views of the subject the agents felt themselves justifiable in charging commissions, under the resolution at Baltimore, in the manner as contained in their late circular.

It is said, however, that the *aggregate* of these commissions will amount to a large sum, and that the compensation will be too great;—but such an inquiry is now too late after the services have been performed, under special express conditions; besides, the rights prosecuted were several, and the grant was made to each one individually, and not to a co-partnership where each one would be bound for the whole commission; so that each individual, if this inquiry were now open, must consider the gain to *himself* without any reference to the number of others who may be entitled to the like unlooked-for benefits; and it is wholly immaterial whether the amount of the grant to him be more or less than he expected, for either way, it is to the mutual loss or benefit of the principal and agents.

When former advances and former services are repaid and remunerated from this fund, the balance when divided will not exceed the *usual* rate of commissions, even in cases of moral certainty.

It certainly cannot be made a question, whether the commissions should be on the monies only now receivable, or whether on the whole grant; for if the provisions of the bill had been confined altogether, (which had well nigh happened) to future annuities—then, on this supposition, no commissions would have been payable; but this is neither the letter or sense of the resolution at Baltimore, nor agreeably to common reason or common understanding.

The only question of any difficulty, is, whether the whole commission should be payable out of the monies first receivable, or out of each annuity as it shall become due? It is believed, however, that the first is the usual rule in cases of the present kind, and may be made most advantageous to both the parties; besides it is extremely desirable that the whole account should now be closed in some manner or other.

It may be said that the estimated value of the grant is too high, but this was the maximum value, leaving it to each individual to reduce this estimate according to his own age, and it is freely left to the honor of each officer of the revolution to do this for himself, agreeably to his own judgment.

A draft from those who have not already paid the commissions, from the bank where their first monies are receivable, for the amount due to the agents, in favor of AARON OGDEN, or order, on the Branch Bank of the United States at Washington, D. C. will be more convenient to both parties, than a deposite of such sum to his credit as heretofore proposed.

We are very respectfully, your most obedient servants,

AARON OGDEN,
PHILIP REED,
ALDEN BRADFORD, } Agents.

June 23, 1827.

William Pierce
Augusta

Lucy Eaton
Oct. 25. Augusta

Patrick Wallace
Ruth Chase } August

Oct. 26.

Coffin v.w.
Hilton v.w.
Paga ~~v.w.~~
Wood v.w.
Haines v.w.
Lushman
Lowell v.w.

108.14	108.14
108.14	108.14
70.	70.
68.70	68.70
49.40	49.40
22.57	22.57
2.50	2.50
5	5
10.	10.
9.37	9.37

His 2.3.4 Christ Jesus this man was counted
worthy of more glory than shotes in as
much as he who builded the house, hath
more honor than the house, for every
house is built by some man, but he
that buildeth all things in God.

8/26/3
24
2

Sumatra

26

Lincoln 57-27-17-19