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H. W. Russel

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H. W. RUSSEL.

[To accompany bill H. R. No. 73.]

DECEMBER 14, 1837.—Reprinted.

JANUARY 13, 1837.

MR. E. WHITTLESEY, from the Committee of Claims, made the following

REPORT:

The Committee of Claims, instructed by a resolution of the House of Representatives on the 19th of December, 1836, to inquire into the expediency of compensating H. W. Russel for moneys advanced in purchasing forage for troops and volunteers at Talasse, in Alabama, in or about the month of May, 1836, report:

That the said H. W. Russel claims the sum of \$1,496 58, for that value of forage purchased and paid for at Talasse station, in Alabama, from the 4th of May to the 30th of June, 1836.

To sustain this account, he produces the receipt of George Boyd—
For 260 bushels of corn delivered at Talasse, at \$2 - - \$520 00
For 10,400 lbs. of fodder, at \$3 per 100 lbs., delivered between
the 16th and 25th of May, 1836 - - - - 312 00

\$832 00

And the receipt of Yango, an Indian, for 40 bushels
of corn, at \$2 - - - - \$80 00

And the receipt of P. S. Gerald, for 133½ bushels of
corn, at \$2 - - - - 267 00

And for 10,586 lbs. of fodder, at \$3 per 100 lbs. - 317 58

664 58

\$1,496 58

At the time these purchases were made, he acted as assistant quartermaster at that station, and he was, as such, recognised by Captain John H. Brodnax, commandant at the station; and the accounting officers, by afterwards allowing a part of his account, have also recognised him as serving in that capacity.

To prove that this forage was issued to horses in the public service, he produces two abstracts of daily issues: one commencing on the 4th, and ending on the 30th of May, 1836; and the other commencing on the 1st, and ending on the 30th of June, 1836.

The aggregate of forage mentioned in these abstracts is the same as the aggregate of the forage contained in the receipts of purchases.

Both abstracts are certified by Captain Brodnax to be correct, and that he had compared them with the original returns in his possession.

It appears from his certificates on the back of each of the abstracts, that on the breaking out of the Indian hostilities with the Creek nation of Indians in Alabama, a military station was kept up at Talasse, under his command; that, at first, the citizens in the vicinity of the station voluntarily put their horses into the service, until other horses could be obtained; that they refused to have them mustered into the service, or to receive pay for their use; that during the time they were so in the service, they were fed from the forage so purchased, as aforesaid, by the said H. W. Russel, on daily requisitions; that when other horses were obtained, the horses of the citizens were withdrawn; that the horses of those in the service, and the horses of the friendly Indians in the service, and when returning from the army, were also fed from said forage, until the whole was consumed. Captain Brodnax certifies the forage was issued as mentioned in the abstracts.

The claim was presented to the accounting officers, and allowance thereof refused by the Third Auditor, (which decision was concurred in by the Second Comptroller,) because it did not appear that the troops and horses were in the service of the United States, and because the requisitions were not produced.

The decision of the accounting officers, under the law and regulations that control them, is, without doubt, correct; but the question arises, whether Congress should not grant relief?

If Captain Brodnax is to be believed, (and there is no ground to doubt the correctness of his statement,) the citizens' horses were in the service, without asking any other compensation than that they be fed. The fact of service being established, (in the opinion of the committee,) the United States could not, in justice, refuse to furnish forage for the horses, when nothing was asked for their use.

As to the other requisitions, Captain Brodnax says, "The other requisitions were for troops and companies passing through this place, (Talasse,) who were not, at the time of the requisition, mustered into the service of the United States, but were most of them mustered in afterwards. The Indian warriors were those who had been out with the army; after the capture of the hostiles, they were discharged, and this forage was furnished as they were returning home."

In the opinion of the committee, this part of the claim should be paid.

In the expenditure of money on a remote frontier, having a sparse settlement, with a scarcity of provisions, and without officers instructed in their duty, many errors will occur. Such will also be the case on all sudden emergencies; and if provisions and forage have been dealt out to those in the service, whether regularly mustered or not, or to persons similarly situated to those mentioned by Captain Brodnax, in the opinion of the committee a commissary should be remunerated.

Mr. Russel acted in good faith; and under the orders of the commanding officer, and, as it seems to the committee, for the benefit of the service.

Mr. Russel says he sent the requisitions, with other papers, to Colonel Stanton, who has gone to Florida, where he is in the military service, and that he cannot reclaim them. The committee are satisfied, from the statements made by Captain Brodnax, that the whole quantity of forage was delivered by the petitioner, on requisitions which were daily made.

The committee herewith report a bill for the amount of the forage purchased.