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Report from the Secretary of War, in compliance with a resolution of the Senate, in relation to the payment of the claims of the Alabama volunteers, for horses lost in the service of the United States in the late campaign against the Seminole Indians

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REPORT

FROM

THE SECRETARY OF WAR,

IN COMPLIANCE

With a resolution of the Senate, in relation to the payment of the claims of the Alabama volunteers, for horses lost in the service of the United States in the late campaign against the Seminole Indians.

JANUARY 8, 1839.

Read, and ordered to be printed.

WAR DEPARTMENT, *January 7, 1839.*

SIR: In compliance with the resolution of the Senate, dated the 2d instant, calling upon this department for information as to the time when the claims of the volunteers from Alabama, for horses lost in the service of the United States in the late campaign against the Seminole Indians, will be examined and settled; and what further, if any, provisions are necessary to a prompt and just settlement of said claims, I have the honor to transmit, herewith, the report of the Third Auditor, dated the 3d instant.

Very respectfully, your most obedient servant,

J. R. POINSETT.

HON. R. M. JOHNSON,
President of the Senate.

TREASURY DEPARTMENT,
Third Auditor's Office, January 3, 1839.

SIR: On the subject of the resolution of the Senate, passed yesterday, directing the Secretary of War to inform the Senate at what time the claims of the volunteers from Alabama, for horses lost in the service of the United States in the late campaign against the Seminole Indians, will be examined and settled under existing regulations; and whether any, and what, further provisions are, in his opinion, necessary to a prompt and just settlement of said claims; and which resolution has been this morning referred to me by you for a report, I have the honor to transmit the copy of a letter addressed by me, on the 31st ultimo, to the Hon. C. C. Clay, of the Senate, in reply to an application on the subject then received from him. It explains the causes preventing the examination at the present time, not only of the claims referred to in the resolution, but a large mass of others of

like recent date. After the preliminary measures therein adverted to shall be in readiness, much experience in relation to claims of this character will be requisite in the examinations, and the only clerk in the office having such experience, and to whom this portion of its duties is allotted, has necessarily to devote the most of his time, whilst Congress is in session, to the answering calls of committees, and applications of members of both houses.

On the muster rolls of the Alabama regiment, made out at the time of its being received into the United States service, the valuations of the horses of the respective volunteers are entered; and in the certificates of the mustering officer on each of these rolls, he has expressed an opinion that the horses had been appraised too high; as to one of the companies, by nine per cent., and as to all the others by rates varying from twenty-three to thirty-five per cent. In consequence thereof, and of information as to excessive valuations of the horses of the volunteers of the Georgia brigade, I deemed it proper to submit a representation of these circumstances to you, in order to obtain your directions as to the course to be pursued respecting them; the law making it my duty to adjust the claims thereby provided for, under such rules as should be prescribed by the Secretary of War, under the direction or with the assent of the President of the United States, and requiring that the rules shall be such as, in the opinion of the President, shall be best calculated to obtain its object, "paying a due regard as well to the claims of individual justice, as to the interests of the United States."

Your decision on the subject prohibits the allowance for any cavalry or wagon horse, in the cases in question, of more than \$120, the sum fixed on in your letter to General Jesup, of the 2d December, 1837, printed in page 127 of the document of the House of Representatives of the last session of Congress, No. 78. Unless, with respect thereto, further provision shall be deemed proper, I am not aware that any will be necessary to a just settlement of such of the claims as may be found to be provided for by the law, and established by the evidence. The resolution is returned.

With great respect, your most obedient servant,

PETER HAGNER, *Auditor.*

The Hon. J. R. POINSETT, *Secretary of War.*

TREASURY DEPARTMENT,
Third Auditor's Office, December 31, 1838.

SIR: I have the honor to acknowledge the receipt of your letter of 29th instant, enclosing one addressed to you by William Black, wherein he expresses a desire that you will urge a speedy adjustment of claims for horses lost by Alabama volunteers, (none of whom are named;) and after a reference to which your letter thus proceeds: "Why cannot those claims already filed be examined, and, if found just, be paid? *They cannot depend on the justice or injustice, regularity or irregularity, of other claims.*" I presume the accounts of the Quartermaster's Department must have been filed and ready for examination by this time. I hope to hear from you definitively in reply." From a part of your letter, which, for the purpose, it is presumed, of calling my particular attention thereto, you have underlined, you would seem to be under the erroneous impression that the claims in question have been viewed by me as depending on the justice or injustice,

regularity or irregularity, of other claims. No such idea has ever been entertained by me. They will have to depend on the law and their own justice alone.

The Alabama regiment, commanded by Colonel Snodgrass, (to claims of volunteers of which your correspondent's letter is supposed to refer,) was not mustered out of service till April last. The claims of volunteers of it already received, are not far from 400 in number, and information contained in a letter of the mustering officer indicates that the whole will exceed 450.

The Georgia brigade, and Tennessee battalion, were mustered out of service shortly afterwards, and from volunteers thereof nearly 600 claims have been forwarded, and many more yet to come. All these recent claims as received have been placed on file for investigation, after a general search in the accounts of the Quartermaster's Department (not yet fully rendered) as to the issues (known to be very large) of forage by the United States, at the various posts and places in Florida, &c., where the volunteers were stationed or on duty. On that search statements will be made out, exhibiting the quantities of forage shown to have been issued for the horses of it, from time to time in due order of date. Without information of this character, claims for losses attributed to a failure on the part of the United States to supply sufficient forage cannot, as I have signified in previous communications, undergo a satisfactory examination. The searches and preparation of the statements will be a work of considerable time and labor, and should not be partial, but complete. It will be prosecuted without avoidable delay, but the excessive pressure of business in the office, increased as it is by incessant applications of committees and honorable members of both Houses of Congress, requiring immediate replies, will prevent my fixing any definitive period for its performance, or of course for the investigation of the claims. Mr. Black's letter is returned.

With great respect, your most obedient servant,
P. HAGNER, *Auditor.*

Hon. C. C. CLAY, *Senate.*