

7-13-1840

Report : Claim of Alabama Volunteers

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IN SENATE OF THE UNITED STATES.

JULY 13, 1840.

Submitted, agreed to, and ordered to be printed.

Mr. HUBBARD made the following

REPORT :

The Committee of Claims, to whom was referred the petition of citizens of Jackson county, Alabama, praying the payment of claims of certain Alabama volunteers for horses lost and killed in a campaign against the Seminole Indians, report :

That the claims to which the petitioners refer accrued in the years 1836 and 1837, and are for horses lost and killed in the Florida war attached to the battalion of mounted volunteers, commanded by Lieut. Col. Cawfield, called into service in 1836, and the regiment under the command of Col. Snodgrass, ordered into service in 1837.

The memorialists (most of whom belonged to these detachments) state : that they were suddenly mustered into service ; that many of them were compelled to purchase suitable horses for the expedition, and, in doing this, were necessarily obliged to contract debts that were to be paid on the return of the troops ; that they have since been suffering much inconvenience and embarrassment from the delay which has attended the adjustment and settlement of their claims ; and they now solicit the attention of Congress to the subject, not only for the purpose of obtaining an early examination and payment of their just demands, under existing laws, but they also desire an extension of those laws so as to meet a large number of claims not now provided for, which they consider the United States justly and equitably bound to pay.

The claims alluded to in the petition are divided into three classes. The *first class*, including all those cases where horses died, or were abandoned in consequence of the United States failing to supply forage ; the *second*, where horses were abandoned by order of the commanding officer ; and the *third*, where horses, having the glanders, were shot, in pursuance of a general order to prevent a spread of the disease among other horses of the army.

The claims embraced in the first two classes are provided for by the act of January 18, 1837, and are now being examined by the accounting officers of the Treasury, with a view to their allowance and payment, wherever the evidence brings them within the provisions of the law.

No authority is given by the existing laws to justify the allowance of the *third class* (where diseased horses have been shot, in pursuance of a general order, to prevent the spread of the disease). For losses arising from this cause, the United States cannot, in the opinion of the committee, justly

be held responsible. Such losses have uniformly been regarded as properly belonging to the volunteers themselves; and the act of March, 1836, allowing to each volunteer, in all mounted companies, "forty cents per day for the use and risk of his horse," was intended to, and, it is believed, does, provide, not only a fair remuneration for the use of the horse, but an ample indemnity for all risks incident to the service and the losses consequent upon those risks. The committee cannot, therefore, recommend any enlargement of the provisions of the act of January, 1837, as urged by the memorialists.

In reference to the delay which has attended the adjustment of these claims, the committee would state, that, in reply to a resolution of the House of Representatives of the 9th of March last, respecting the progress which had been made in the settlement of claims for horses lost in the Creek and Seminole wars, the Secretary of War transmitted to the House a report of the 3d Auditor, dated March 13, 1840 [H. Doc., No. 146], in which he fully assigns the reasons of the delay complained of; and, after a personal application recently made to that officer, the committee are satisfied that the causes of the delay stated in his report still exist, and that it will be impossible to finish the examination now in progress till some weeks after the adjournment of Congress.

However much it is to be regretted that the patriotic citizens of Alabama, who, regardless of the difficulties and dangers of savage warfare, so promptly volunteered their efficient and valuable services to the Government, should be delayed in obtaining the payment of their just claims, it is still believed that the delay has been unavoidable, and that a proper regard to the interests of the Government has rendered their earlier adjudication impracticable.

Resolved, That the committee be discharged from the further consideration of the memorial.