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Letter from the Secretary of War, in reply to a resolution of the House of Representatives of the 9th instant, in relation to claims growing out of the Florida war

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CLAIMS—FLORIDA WAR.

LETTER

FROM

THE SECRETARY OF WAR,

IN REPLY

To a resolution of the House of Representatives of the 9th instant, in relation to claims growing out of the Florida war.

MARCH 18, 1840.

Referred to the Committee of Claims.

WAR DEPARTMENT, *March 17, 1840.*

SIR: I have the honor to submit the following report, in reply to the resolution of the House of Representatives of the 9th instant, "That the Secretary of War be directed to communicate to this House such information as may be in his possession in relation to claims now pending before Congress, or which may be probably presented, for damages sustained by individuals, growing out of the Florida war; and also, all the information in his possession of the unsatisfied claims for provisions furnished the army and for forage; and also, to state if the existing laws do not provide an adequate remedy, and if so, why the claims thus depending have not been adjusted and paid by the proper accounting officers of the Government."

There does not exist in this department any authentic information in relation to claims now pending before Congress, or which may probably be presented, for damages sustained by individuals, growing out of the Florida war. That in possession of the department respecting the unsatisfied claims for provisions furnished the army, and for forage, is communicated in the accompanying report of the Third Auditor. With regard to the inquiry whether the laws do not provide an adequate remedy for the settlement of these claims, I have the honor to state that the existing legal provisions are considered ample to enable the department to adjudicate and settle all claims which the law allows. Such as are not embraced by the general principles established by existing laws, are submitted to Congress by the claimants, in order that they may be exempted from the operation of these principles, should Congress, in its wisdom, think proper to consider them, from any cause, to be fit cases to be excepted from the operation of the laws and the general rules that must govern this depart-

ment, and the accounting officers, in their decisions. The reasons why the claims for which the law provides an adequate remedy have not been adjusted and paid by the proper accounting officers of the Government, will be found in the accompanying report of the Third Auditor, and in that of the same officer submitted on the 16th instant, in reply to a resolution of the House of the 9th instant. It is believed by the department that every thing has been done by that zealous and industrious officer that can be effected to bring these claims to a final settlement.

Very respectfully, your most obedient servant,

J. R. POINSETT.

Hon. R. M. T. HUNTER,

Speaker of the House of Representatives.

TREASURY DEPARTMENT,
3D AUDITOR'S OFFICE, *March 16, 1840.*

SIR: The resolution of the House of Representatives of the 9th instant, which has been referred to me for a report, requires you to furnish all the information in your possession "of the unsatisfied claims for provisions furnished the army, and for forage; and also, to state if the existing laws do not provide an adequate remedy, and if so, why the claims thus depending have not been adjusted and paid by the proper accounting officers of the Government."

Understanding the resolution of the House to have reference to claims originating in Florida, and to be for subsistence and forage purporting to have been furnished for the use of the militia and volunteers of that Territory, called into the service of the United States, it will be necessary, in order to a proper understanding of the subject, to give a brief history of the action of the accounting officers, in respect to claims from Florida, that have been presented for decision and payment.

In February, 1838, Colonel Warren presented several claims for subsistence and forage furnished the Florida militia or volunteers; and as neither quartermasters (Richard R. Crum or James Kendrick), by whom said claims were certified, had rendered any accounts, or vouchers, to show that the supplies charged for had been applied to the public service, the accounting officers decided that the claims presented by Colonel Warren ought not to be paid until said Crum and Kendrick should render the usual accounts and vouchers, showing that the supplies had been properly applied to the public service. Like decisions were subsequently made on similar claims, presented by the Hon. C. Downing and others; and such continued to be the course of decision until the 16th of June, 1838, when the Second Comptroller of the Treasury addressed a letter to the Hon. C. Downing, and in which he said "that if, in the opinion of the Secretary, the affidavit of Colonel Mills, now on file in the case, can safely be taken as evidence of the fact that the supplies furnished, as charged in the accounts now presented, were not in undue proportion to the wants of the troops in the service of the Government, said affidavit will be received as evidence of that fact by the accounting officers. I believe Colonel Mills to be a gentleman of high character and standing.

"I have uniformly said to you that I thought the production of regular requisitions should be dispensed with in the settlement of these claims;

but as the regulations of the War Department require requisitions, I wish to have the sanction of the department of any relaxation of the regulations that may be deemed proper; and such relaxation will, as I have often assured you, be recognised and observed by the accounting officers.

"I believe the Secretary is willing to relax as far as he can consistently with the security of the Treasury; and I shall be governed by his opinion upon the question whether Colonel Mills's affidavit can be admitted as proof of the fact that the troops to whom the supplies were furnished were legally entitled to the amount so furnished."

Upon the Comptroller's letter, from which the above quotations are made, you made the following endorsement: "The affidavit of Colonel Mills does, in my opinion, sufficiently show, in the absence of all other proof, that the supplies for which these accounts are now presented were not in undue proportion to the number of troops employed, and were actually issued to them."

Under the abovementioned letter and endorsement a number of claims, for subsistence and forage for the Florida militia and volunteers, were allowed and paid. In December, 1838, however, the then acting Quartermaster General, in transmitting a mass of claims amounting to \$77,237 12 which had been presented by O. M. Dorman, remarked, in relation thereto, that "the affidavits of the claimants that they have not heretofore been paid should be produced in support of the accounts;" and the accounting officers decided that said claims must be supported by such affidavits before they could be paid. Agreeably to this lastmentioned decision, and upon the affidavits of the commanding officers of the troops, as to the application of the supplies, a large amount of claims was allowed and paid.

Payments continued to be made for subsistence and forage supplies for the militia and volunteers of Florida, agreeably to the beforementioned decisions, until the 10th of September, 1839; when, foreseeing no end to the amount of such claims that might be presented, I deemed it my duty, in reporting to the Second Comptroller sundry claims that had been presented in the name of Thomas W. Piles and others, to state, that if said claims "were entirely freed from the objections stated in each particular case, and if they were also sustained by the depositions of the colonels or commanding officers of the regiments or corps, as to the application of the supplies charged for to the public service, I should not, under existing circumstances, report them for payment. Having failed, after repeated calls, in obtaining from Quartermasters R. R. Crum and Jas. Kendrick evidence of the application of the supplies, purchased by them, to the public service, and apprehending, therefore, that the Government may have already paid for as many supplies as the Florida troops were entitled to, I have deemed it my duty, before auditing for payment any more claims for supplies purporting to have been furnished for said troops, to ascertain the quantities said troops were entitled to, by law and regulations, and also the quantities that have been paid for, on account of said troops. An investigation, to reach these results, is now in progress in this office; and, until it shall be gotten through with, I am of opinion that no further payments should be made for supplies furnished the Florida troops." This course received your approbation.

In the case just referred to, the Second Comptroller made the following decision:

"In my opinion, it should appear that the supplies referred to in the preceding report were furnished troops in the service of the United States, and that they were entitled thereto, not having been otherwise supplied at the expense of the United States. To ascertain these facts, the investigation now in progress in the Auditor's office is deemed necessary; and I concur with him that further payments, except in extraordinary cases, shall be suspended until the result shall have been ascertained.

"It has recently come to my knowledge that payments have been made, in several instances, for supplies, &c., furnished troops who had already been fully supplied at the expense of the United States, with the quantity of subsistence, &c., to which they were, by law, entitled. Extreme caution is necessary to prevent the allowance of such unjust claims upon the Treasury."

No payments have been made for subsistence and forage supplies, on account of the Florida troops, since the date of the last mentioned decision; and as several months have elapsed since the date of that decision, and the investigation then determined on is not yet completed, it is proper to state that that investigation has involved an examination of all the disbursing and issuing officers' accounts in Florida, from the commencement of the Seminole war, in December, 1835, to the present time; and also the rolls of all the Florida militia and volunteers during the same period, in order to ascertain the quantities of subsistence and forage the troops were entitled to, and the quantities that have already been paid for by the United States. This extent of examination has become necessary in consequence of claims for subsistence and forage supplies, purporting to have been furnished as far back as December, 1835, still coming forward for payment, notwithstanding there have been disbursing officers in Florida from that time to this, whose duty would have required them, it is presumed, to pay all just accounts, as well for supplies as for services. Although the examination has not been completed, it has progressed far enough to ascertain that the 6th regiment has received considerably more forage than it was entitled to; and hence all pending claims, for forage, on account of said regiment, will be rejected by the accounting officers.

After the investigation adverted to shall be completed, there will be no difficulty in adjusting, under existing laws, all pending bona fide claims for subsistence and forage; that is to say, in all cases where it shall appear that the troops have not received more subsistence and forage than they were entitled to by law, and that the supplies charged for were actually furnished by the claimants, and applied to the use of the troops.

With great respect,

PETER HAGNER, Auditor.

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