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Littlejohn Wilkins, John Lynch, William P. Ford, and Alexander Patrick

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LITTLEJOHN WILKINS, JOHN LYNCH, WILLIAM P. FORD,
AND ALEXANDER PATRICK.

[To accompany bill H. R. No. 599.]

JANUARY 9, 1841.

Mr. W. M. O. BUTLER, from the Committee on Military Affairs, submitted the following

REPORT :

The Committee on Military Affairs, to whom were referred the claims of Littlejohn Wilkins, John Lynch, William P. Ford, and Alexander H. Patrick, report :

That the claimants were, respectively, soldiers in Captain Baber's company of mounted Tennessee volunteers in the Florida war of 1836. They claim pay for their horses and equipments taken, as they allege, by the order of the commanding officer, (General Reid,) for the use of the United States; and severally file the receipts of A. M. Harding, acting quartermaster of their regiment, as evidence of their respective claims. These receipts are all of the same import, and that to Ford is as follows :

" FORT CLINCH, ON THE WITHLACOOCHIE,
" November 8, 1836.

" Received of William P. Ford, of Captain Baber's company, 1st regiment Tennessee volunteers, by order of Brigadier General Reid, for the service of the United States, one sorrel horse and caparison, valued, when mustered into service, by Captain Baber, Lieutenant Levy, Lieutenant McLaughlin, and Ensign Rogers, (officers duly authorized,) at one hundred and seventy-seven dollars and fifty cents.

" A. M. HARDING,
" Acting Quartermaster 1st Reg. Tennessee Volunteers."

The committee are of opinion that these receipts, executed by an officer by whom such requisitions are usually and rightfully made, and given at the time the property referred to was taken by him, constitute of themselves a just claim against the Government for the value of that property. It is true there is no proof, other than the statement of the quartermaster himself, that he acted by the order of the commanding officer, or that the property by him so taken was appropriated to the use of the United States; nor do the committee deem it a matter of importance, so far as the rights of these claimants are concerned. They had no right to inquire by what authority the quartermaster acted, nor power to resist it. They knew him to be the proper officer to supply the army with such articles as those contained in

his receipts, and had a right to presume that he acted within the pale of his authority. They accordingly gave up their horses and caparisons, and swear that they have received no compensation whatever for them.

There is, however, an insurmountable difficulty in all these cases. There is no proof as to the value of either horses or equipments. It is true that the same quartermaster, in his receipts, states the valuation of each at the time their owners were respectively mustered into service; but as this is not an official act, or one properly pertaining to his office as quartermaster, it derives no importance from the fact of its being performed by that officer; and, considered as an ordinary certificate, it does not amount to proof. The committee, however, entertain no doubt that legal proof can be readily obtained, as to the value of these horses and equipments, and, when obtained, that they should be settled by the proper accounting officer; and report a bill accordingly.

REPORT

The Committee on Military Affairs to whom were referred the claims of Andrew Williams, John Lynch, William P. Ford, and Abraham H. ...

That the claimants were, respectively, soldiers in Captain Baber's company of mounted Tennessee volunteers in the Florida war of 1838. They claim pay for their horses and equipments taken, as they allege, by the order of the commanding officer, (General Holt), for the use of the United States; and severally the receipts of A. M. Harding, acting quartermaster of their regiment, as evidence of their respective claims. These receipts are all of the same import, and read as follows:

"FORT CLINTON, OR THE WINDLACOCHEE,
November 8, 1838.

"Received of William P. Ford, of Captain Baber's company, in payment of his horse and equipments, by order of the commanding officer, for the service of the United States one good horse and caparison, valued when mustered into service by Captain Baber, Lieutenant Levy, Lieutenant McLoughlin, and Sergeant Rogers, (with his daily subsistence), at one hundred and seventy-seven dollars and fifty cents.

"A. M. HARDING,
Quartermaster 1st Reg. Tennessee Volunteers."

The committee are of opinion that these receipts, executed by an officer by whom such receipts are usually and rightfully made, and given at the time the property referred to was taken by him, constitute of themselves a just claim against the Government for the value of that property. It is true there is no proof other than the statement of the quartermaster himself that he acted by the order of the commanding officer, or that the property by him so taken was appropriated to the use of the United States; nor do the committee deem it a matter of importance, so far as the rights of these claimants are concerned. They had no right to tamper by what authority the quartermaster acted, nor power to resist it. They knew him to be the proper officer to supply the army with such articles as these contained in