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William W. Garrard

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H.R. Rep. No. 180, 27th Cong., 2nd Sess. (1842)

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WILLIAM W. GARRARD.

FEBRUARY 9, 1842.

Read, and laid upon the table.

Mr. TOMLINSON, from the Committee of Claims, submitted the following

REPORT:

The Committee of Claims, to whom was referred the petition of William W. Garrard, report:

That the petitioner represents that, on May 21, 1836, he received orders from Maj. Gen. Benjamin Patterson, commanding the first division of the militia of the State of Alabama, (which orders were issued in pursuance of the orders of the then Governor of the State, C. C. Clay,) requiring him, as brigadier general of the second brigade, to furnish, from his brigade, two companies of mounted infantry volunteers, if such would tender their service; and if such number did not volunteer, then to make out the necessary number by draught—such companies to consist, each, of one captain, one lieutenant, one ensign, four sergeants, four corporals, and one bugler, and sixty-four privates—to act against the hostile Creek Indians, and to have them rendezvous, without delay, at Montgomery, in Alabama; in pursuance of which requisition, the petitioner procured the requisite number of volunteers, many of whom were without horses. Believing his orders to extend to the supplying of the volunteers with horses, and that the emergency of the case required it, he immediately purchased twenty-five horses and their equipage, for which he paid, or agreed to pay, the sum of \$2,150 75, organized the company, and put them on their line of march. The petitioner further states that he requested the commandants of companies to take charge of the horses and other public property; that he made out lists thereof, and of the names of those individuals having it in charge, which he sent to the commanding general at headquarters. No care, however, was taken of it—the volunteers claiming the horses and other property as their own. On hearing this fact, after the return of the troops, the petitioner collected together as many of the horses as he could find, and caused them to be sold at public auction, for the sum of \$633, leaving a balance due of \$1,417 50, which still remains unpaid. He has made repeated applications to the Legislature of Alabama for relief, but without success. He now asks relief from Congress.

The evidence which accompanies the petition, and in support of it, is not such as the rules and precedents of this committee ordinarily require. The original requisition of General Patterson upon the petitioner to call out the troops, or a paper purporting to be such a requisition, is furnished; but

the other material facts are principally supported by the affidavit of the petitioner alone.

The committee, however, consider that, if all the facts had been sustained by satisfactory evidence, and if the Government are responsible to the State of Alabama, or the citizens, for legal claims growing out of hostilities with the Indians, when those claims are presented through the proper channels and in proper form, yet in this case the petitioner had no authority, either express or implied; to make the Government chargeable or responsible for the purchase of the horses or other property. His orders were to raise two companies of men, either by voluntary enlistment or by draught; and the requisition says, "to march (then) with all possible expedition to Montgomery, where they would receive their arms and equipments, already deposited for use."

The committee cannot sanction the implication drawn by the petitioner from his orders, so far as to make it the foundation of a legal or equitable claim against the Government of the United States. They therefore recommend to the House the adoption of the following resolution:

Resolved, That the prayer of the petitioner ought not to be granted.

The evidence which accompanies the petition, and in support of it, is not such as the rules and precedents of this committee ordinarily require. The original requisition of General Patterson upon the petitioner to call out the troops on a paper purporting to be such a requisition, is furnished; but that the petitioner represents that on May 21, 1858, he received orders from Major Benjamin Patterson, commanding the first division of the militia of the State of Alabama, (which orders were issued in pursuance of the orders of the then Governor of the State, C. C. Claiborne,) requiring him, as brigadier general of the second brigade, to furnish from his brigade two companies of mounted infantry volunteers, if such would render their services; and if such number did not volunteer, then to make out the number, and to number by draught—such companies to consist each of one captain and sergeant, one major, four sergeants, four corporals, and one bugler and ten privates—to act against the hostile Creek Indians, and to have their rendezvous without delay at Montgomery in Alabama; in answer of which requisition, the petitioner procured the requisite number of volunteers, many of whom were without horses. Believing his orders to extend to the supplying of the volunteers with horses, and that the urgency of the case required it, he immediately purchased twenty-five horses and their equipage, for which he paid, or agreed to pay, the sum of \$2,150. He organized the company, and put them on their line of march. The petitioner further states that he requested the commandant of company to take charge of the horses and other public property; that he made out lists thereof, and of the names of those individuals having it in charge, which he sent to the commanding general at headquarters. No case, however, was taken of it—the volunteers claiming the horses and other property as their own. On hearing this fact, after the return of the troops, the petitioner collected together as many of the horses as he could find and caused them to be sold at public auction for the sum of \$638, leaving a balance due of \$1,517.50, which still remains unpaid. He has made repeated applications to the Legislature of Alabama for relief, but without success. He now asks relief from Congress.