2-7-1845

Florida -- Militia service

28th Congress, 2d Session. Rep. No. 108. Ho. of Reps.

FLORIDA—MILITIA SERVICE.

[To accompany bill H. R. No. 592.]

February 7, 1845.

Mr. Clinch, from the Committee on Military Affairs, made the following

REPORT:

The Committee on Military Affairs, to whom was referred the testimony taken under a resolution of this House, respecting the claims for services performed by militia in Florida, who remain unpaid, respectfully report:

That, after a very full and thorough examination of the subject, they recommend to the House the disallowance of some, and allowance of others, as follows, to wit:

1. Claim of the Spring Grove Guards, for pay from June 17 to November 28, 1835; being a period of 5 months and 12 days.

This company was organized, it seems, before the commencement of general hostilities by the Indians, for the suppression of occasional depredations and aggressions; for the purpose of keeping the Indians within their own borders; and for protection against the apprehended outbreak. The service was probably useful. That it was necessary, appears from the fact that, on one occasion, one of the scouts had a battle with a party of Indians who were found stealing cattle, and which resulted in the killing and wounding of five persons.

It seems, however, to the committee, that, as this company served before military operations against the Indians had been authorized by the United States, the claim for pay ought not to be allowed; and they therefore recommend its rejection.

2. Colonel Brown's command.

This is a claim for service commencing April 6, and ending July 22, 1838; being a period of 3 months and 16 days.

In this case, it appears from the evidence (which is very voluminous) that, in the early part of the year 1838, all the mounted militia of Florida, Georgia, Alabama, and other States, had been discharged from the service in Florida; that, in the spring of said year, nearly all the regular troops left in that Territory were far south on the peninsula; and that the frontier counties of East Florida were left almost wholly without protection, there being only two or three companies of infantry upon the whole southern line of the frontier. The enemy, who had been dispersed into small bands by the previous operations, were returning upon the settlements, and marking their trails through the country with the blood of the defenceless in-

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habitants of the frontier. In the counties of Alachua and Colombia, most of the settlements had been abandoned; and the citizens were collected at temporary stations for mutual protection. In such circumstances, it would seem to have been impossible that they could have raised the means of subsistence by planting, on which the population was entirely dependent; and the prospective result was an abandonment of the country.

Representations of this state of things were made to the governor of the Territory, by whom orders were immediately issued to the local militia officers (Colonel Brown and Major Garrason) to organize and call out such force as they might "deem necessary for the defence of the inhabitants;" and enjoining upon them "a sound discretion" in the exercise of the authority with which they were thus invested. Colonel Brown organized a force of eleven companies, which were put on duty the 6th of April—the governor's order being dated the 26th of March. They continued on duty until the 22d day of July; when, in pursuance of Governor Call's order on that day received by Colonel Brown, they were discharged.

The committee are of opinion that the authority under which this force was called out, was sufficient; the officer being invested with discretionary power, both by the law and by the special instructions of the governor.

The question whether this power was properly used, as respects the amount of force called out, cannot so easily be decided at this late day. It appears that the governor of the Territory, in his annual message subsequent to the service, speaks approvingly as to the propriety of the course pursued by Colonel Brown; and there would seem to be no question that a large portion, if not all of the force, was necessary to the protection of the frontier; as the same number, if not more troops, are represented to have been in service of the United States, upon the same frontier, for the same defensive purpose, and performing the same description of duty, in each of the preceding and subsequent years, down to 1840.

But the question as to the proper exercise of this discretionary power is, in the opinion of the committee, of little importance. When troops have been called into the service by proper authority, the manner in which the authority or power of the officer is exercised has no bearing upon the claims of the troops under his command. Even the amount of service, or that the force was injudiciously directed, cannot be urged in bar of payment.

The service rendered by these troops, as appears by the testimony of the colonel, and of each of the captains, was the same as is usually performed by frontier troops employed in defensive operations.

The committee recommend the payment of these troops.

3. Battalion commanded by Major Garrason, for services from March 19 to September 19, 1838; being a period of six months.

The circumstances under which this force was called out and served, are the same as in the preceding case of Col. Brown; but it appears that, upon receipt by Major Garrason of Governor Call's order to disband his men, he, upon consultation, as he states, with the most respectable citizens, determined to continue them in service; and so wrote to Governor Call—telling him, at the same time, that he had done so, subject to his further orders. They were thus continued in service until 19th September. The committee, not being satisfied of the propriety of the course thus adopted by Major Garrason, cannot recommend payment beyond the date on which, it appears, he was in possession of Governor Call's order—to wit: the 5th of

July. They therefore recommend the payment of this force from 19th March to 5th July, (being three months and eighteen days,) and the rejection of the claim from 5th July to 19th September.

4. Force employed at Mandarin and Jacksonville, consisting of the companies of Captains Bush, Price, Suarez, and Black—for a period varying from twelve to six months.

Governor Call, it seems, denies having authorized this force; and the proof of the emergency not being sufficiently apparent, the committee cannot, therefore, recommend its payment, but reject the same.

5. Captain Samuel Worthington's company—claiming pay for three different periods, viz: from November 12, 1835, to March 26, 1836; from May 15 to September 15, 1836; from September 15, 1836, to January 23, 1837; in all, a period of twelve months.

The committee, not being satisfied with the legitimacy of the authority under which this company was organized, nor the efficiency of the service for the time claimed, do not recommend its payment.

6. Captain William Cason's company—claiming pay from December 20, 1837, to May 2, 1839, except the period from April 6 to July 22, when it formed a part of Col. Brown's regiment; being a period of nearly thirteen months.

The committee come to same conclusion as in former case, (Worthington's;) and, therefore, do not recommend its payment.

7. Captain Arthur Roberts's company—claiming pay from September 13, 1838, to January 13, 1839, a period of four months.

This company was called out upon an emergency, and its service sanctioned by the governor. It performed efficient duty, and the committee recommend its payment.

8. Captain J. L. Thigpen's company—claiming pay from March 1 to December 1, 1838.

It appears by the certificate of Colonel D. E. Twiggs, of the U. S. army, that this company occupied an important position, and that their service was recognised by the issue to them of supplies from the public stores at Fort Heileman, from time to time. The proof shows good service for six months of the time. The committee recommend the payment of this company for that time, and reject the claim for the other three months.

9. Captain Wm. Williams's company, claiming pay from August 16, 1838, to February 16, 1839.

This company served under similar circumstances with the foregoing, and the committee recommend its payment.

10. Captain Geo. E. McClellan's company, claiming to have served half the time from March 3 to July 14, 1840.

This company was not authorized by the governor, and the singularity of the claim (to wit, for *half* the period of service) induces the committee to pass it over, without allowance or rejection, for future examination.

11. Companies called out on the occasion of the Suwannee murders in August, 1840, to wit: the companies of Captains Wm. Cone and John Bryan, from August 16 to September 15—1 month; and Captain J. W. Stewart, from August 19 to September 30—1 month and 11 days.

These companies were called out by competent authority, upon a pressing and sufficient emergency, and did satisfactory duty; and the committee recommend their payment.

12. Companies raised to form part of Brigadier General Read's brigade, to wit: Captain W. H. Redding's, from November 18 to December 8, 1840; Lieutenant S. Edwards's, from November 21 to December 9, 1840; Lieutenant J. S. Burnett's, from December 3 to December 24, 1840.

As at present advised, the committee cannot recommend the payment of these companies.

13. Captain Stephen Daniels's company, claiming from October 13 to November 26, 1842—1 month and 13 days.

The service in this case was eminently necessary by the emergency, and the duty was well performed. Its payment is recommended.

In conformity with the foregoing conclusions, the committee report a bill for the payment of such of the militia force included in this report as they have thought it proper to recommend for payment.