

1-20-1846

Alabama -- Military claims

Follow this and additional works at: <https://digitalcommons.law.ou.edu/indianserialset>

 Part of the [Indian and Aboriginal Law Commons](#)

Recommended Citation

H.R. Rep. No. 127, 29th Cong., 1st Sess. (1846)

This House Report is brought to you for free and open access by University of Oklahoma College of Law Digital Commons. It has been accepted for inclusion in American Indian and Alaskan Native Documents in the Congressional Serial Set: 1817-1899 by an authorized administrator of University of Oklahoma College of Law Digital Commons. For more information, please contact darinfox@ou.edu.

ALABAMA—MILITARY CLAIMS.

[To accompany bill H. R. No. 129.]

JANUARY 20, 1846.

Mr. HOGE, from the Committee of Claims, made the following

REPORT :

The Committee of Claims, to whom was referred the report of the Secretary at War, transmitting to Congress certain claims of the State of Alabama, have had the same under consideration, and ask leave to report :

These claims of the State of Alabama have been reported to the House of Representatives by the Secretary at War, in pursuance of the provisions of the act of Congress of the 16th August, 1842. The first section of that act directed the Secretary at War to audit and adjust the claims of the State of Alabama, according to the laws and regulations governing the department in similar cases, for moneys advanced and paid by the State for subsistence, supplies, and services of her local troops called into service by the authorities of the State, and for provisions and forage furnished the friendly Indians during the Creek and Seminole hostilities in 1836 and 1837; and providing that, in auditing and adjusting the claims which should be presented by the State under the foregoing provisions, duly authenticated copies of papers which had been lost or destroyed, upon proof of such loss or destruction, should be received as evidence. The second section required the Secretary at War to report to the House of Representatives a schedule of such claims as should be presented for adjustment and not allowed, with the reasons for such disallowance.

Under the provisions of this act, the State of Alabama, by her authorized agent, presented for adjustment sundry claims, among others those now under consideration, sixty-six in number, and amounting, in the aggregate, to the sum of thirteen thousand four hundred and fifty-five dollars and thirty-two cents. These particular claims were disallowed by the accounting officers of the government, upon the ground, as appears by the accompanying reports of the Secretary at War and of the Third Auditor, that neither the original accounts, as required by the rules and regulations of the department in such cases, nor properly authenticated copies thereof, under the provisions of the act in question, and upon which the payments had been made by the State, were produced with and in support of these claims; the department, under such circumstances, not conceiving itself authorized to depart from its usual rule of action. No doubt is entertained in any quarter that the payments, as claimed by the State, have been actually made; nor do the committee entertain a doubt that

they were properly made, and for objects and purposes coming within the provisions of the act of 1842. The vouchers showing the payments by the State to the original claimants are in due form. These payments, made principally during the years 1836 and 1837, long previous to the passage of the act of Congress, were based upon the decisions of a commissioner, appointed in pursuance of law by the governor of the State, whose duty it was to receive, audit, adjust, and settle the claims against the State, growing out of the Creek and Seminole hostilities, and also upon various special acts of the legislature during the years 1836 to 1841, inclusive, for the relief of the claimants.

The reports of the commissioner and of the Committee on Indian Expenditures of the Alabama Legislature, which the committee find among the papers of the case, exhibit the nature and character of the claims allowed and paid, and for which the special acts were passed, and the principles upon which they were investigated and determined, and manifest, upon the part of the authorities of the State, an anxious determination to exclude, by the interposition of the most strict and rigid rules in the examination and allowance of the accounts, all claims of an improper character, and to allow none but such as come properly within the army regulations, as applicable to troops in the service of the United States. Under the rigid operation of this rule, many accounts, otherwise fair and just, were, it seems, disallowed. These claims are now presented under the sanction and guaranty of a sovereign State, under circumstances calculated to exclude all idea of unfairness, ascertained and adjusted under the guard of rules certainly not less strict and rigid than those of the department itself, and are in themselves of a highly meritorious character, being for supplies furnished and services rendered by her citizens in defence of the common country, and upon the faith of the government. From an examination of the whole case, the committee are satisfied that the claims in question have been paid by the State of Alabama in good faith, and for objects and purposes falling clearly within the provisions of the act of 1842. To deprive the State of this large amount of money, fairly and honestly paid, under such circumstances, solely from her inability to comply with the technical rules (certainly right and proper in themselves) prescribed by the accounting officers of the government, and by which ordinary claims are tested, would be extremely unjust. These rules require the original accounts themselves in all cases to be produced. The act of 1842 so far departed from this rule as to allow properly authenticated copies, upon proof of the loss or destruction of the originals, to be admitted as evidence in this particular case. The State of Alabama has been unable to comply with either of these requisitions. It appears, from the statement of her agent accompanying the papers, that the most searching and careful examination has been made among the records of the State for the missing accounts upon which these payments were made, but that they cannot be found, and are supposed to have been destroyed in an attempt to burn the capitol of the State in 1839. It further appears that this loss cannot now be supplied by authenticated copies at this late period, from the fact that many of the persons to whom these payments were originally made are now dead, or have removed to parts unknown. Entertaining these views, the committee are of opinion that the case is a proper one for the interposition of Congress in aid of the provisions of the act of 1842, and that the State of Alabama is entitled to relief; and report a bill accordingly.