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Report : Petition of J. Downs

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Recommended Citation

S. Rep. No. 7, 31st Cong., 1st Sess. (1850)

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IN SENATE OF THE UNITED STATES.

JANUARY 15, 1850.

Submitted, and ordered to be printed.

Mr. BALDWIN made the following

REPORT:

The Committee of Claims, to whom was referred the petition of Jeremiah Downs, praying an allowance, to the amount of \$2,106, for forage and transportation for a company of mounted volunteers recruited by him for the war with the Creek Indians, in 1813 and 1814, having had the same under consideration, report:

That the grounds on which this claim was originally disallowed, as stated by the Third Auditor of the Treasury, in the accompanying document, addressed to the chairman of the Committee of Claims of the House of Representatives, in the year 1823, appear to be satisfactory; and, no new evidence having been furnished by the memorialist, the committee recommend that the prayer of his petition be not granted, and ask to be discharged from the further consideration thereof.

The United States

To Captain J. Downs and Company, Dr.

1813 and 1814. To 95,000 weight fodder or hay, at \$2 per hundred	\$1,900
To transportation, as the law allows	206
	<hr/>
	2,106
	<hr/> <hr/>

Personally appeared J. Downs, who deposes and says, that he commanded a company of mounted riflemen, in 1813-1814, under Colonel Russell the greater part of the time; and that there is, according to law, 95,000 weight of fodder or hay due himself and company, during the six months they were in the service of the United States; that he had duplicate returns made out, while in the Creek nation, and that he got several of them signed by Colonel Russell, and the assistant deputy quartermaster could not lift the returns for want of funds; and that the returns were lost during the campaign at New Orleans, in 1815, together with his account for transportation during the campaign in the Creek nation, which was \$206. Has never received any consideration.

J. DOWNS.

Sworn to, January 3, 1823, before

TH. C. SCOTT, Par. Judge.

Hagner, Auditor, notices Colonel Russell's certificate at length, recapitulating it; and then he says, after mentioning "that the Committee of Claims had it:"

"Resort has been had to the rolls, which *show* that the *company*, consisting of three commissioned and thirty-seven non-commissioned officers and privates, (40,) commenced service October 21, 1813, and remained till April 20, 1814. As regards the hay or fodder, *without vouchers, evincing* the captain to have purchased, paid for, and supplied the same to the horses of his company, the claim would not be admissible either by the accounting officers or by any of the disbursing officers in the Quartermaster's department. He alleges, it is observed, in his petition, X to X, *underlined*; but this, in the material part, appears to be repugnant to that portion of Colonel Russell's certificate, in which, after mentioning that little or no long forage was issued, he says, "*because it was not to be had.*" In reality, therefore, the claim would seem to be for a money allowance in lieu of long forage; and this has never, within my knowledge, been authorized by law or regulation. By law, commissioned officers had, at the time in question, the option of receiving eight dollars per month for each horse they were entitled to keep, *in lieu of forage, when not drawn in kind*; and the non-commissioned officers and privates had the option of receiving twenty-five cents per day, in lieu of rations and forage, when they provided the same; but neither were entitled to draw a part of the forage in kind and to be paid for the remainder. That, as regards the horses of this company, both officers and men drew the *grain* portion of the forage during the whole term, is not denied. Had there been either law or regulation to justify a further allowance, it could not have been made to the captain, (except as to his share,) without evidence of his being duly authorized by the several members of his company to act for them.

"The charge of transportation is too inexplicit to be judged of. From the certificate of Colonel Russell, it would seem to be for an allowance for the transportation of the baggage of the officers.

"If the United States provided the means for transporting the baggage of the company—and there is no allegation that none were so provided—the officers should have availed themselves thereof, and were not entitled to any money allowance on that account.

"PETER HAGNER.

"Mr. WHITTLESEY,

"*Chairman Committee of Claims.*"