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### Report : Petition of J. Tucker

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S. Rep. No. 171, 32nd Cong., 1st Sess. (1852)

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IN THE SENATE OF THE UNITED STATES.

APRIL 7, 1852.  
Ordered to be printed.

Mr. BRODHEAD made the following

**R E P O R T :**

[To accompany bill S. No. 348.]

*The Committee of Claims, to whom was referred the petition of John Tucker, report :*

This case was examined by the Committee of Claims of the last Congress, who made a report of the facts, accompanied by a bill, in which this committee concur.

The report is hereto annexed, and the passage of the accompanying bill is recommended.

IN SENATE—*August 23, 1850.*

*The Committee of Claims, to whom was referred the memorial of John Tucker, report :*

The memorialist represents that in the year 1838 he was mustered into the military service, in Captain Hindley's company, Major Garrason's battalion of Florida volunteers, and served through the campaign against the Indians as a private, "and in addition performed the duties of a chaplain," and that he has received no compensation in either capacity. That when it was ascertained that the company would be mustered out of service, (by order of Governor Read) the officers of the battalion were convened, and by their advice the claimant was appointed by Major Garrason, the commanding officer, a chaplain in the army, and as such he was mustered out of service, and his name taken from the roll of Captain Hindley's company; by which means he lost his pay as a private. These facts are certified to by Major Garrason.

There does not appear to have been any legal authority for his appointment as chaplain; and even if the committee were disposed to consider the propriety of allowing pay for such service, there is no evidence of the time when it commenced, and, as before remarked, the appointment to act in that capacity does not appear to have been made until about the time of the discharge of the battalion from service.

The act of Congress of March, 1845, provided for the payment of Major Garrason's command, and the committee are of opinion that the memorialist is entitled to pay as a private under the provisions of that act; they therefore recommend the passage of the accompanying bill.