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D. C. Cash and Giles U. Ellis. (To accompany Bill H.R. No. 174.).

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D. C. CASH AND GILES U. ELLIS.

[To accompany bill H. R. No. 174.]

JANUARY 18, 1854.

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

REPORT.

The Committee on Military Affairs, to whom was referred the memorial of David C. Cash and Giles U. Ellis, ask leave to report:

That it appears from the vouchers and papers accompanying the memorial, that the memorialists served in the war with the Seminoles in Florida, the former as a lieutenant, and the latter as a private. That they were deputed, with the concurrence and approbation of their respective commanders, to assist the regimental quartermaster and commissary of subsistence, Richard R. Crum, in the receipt and disbursement of supplies; the former at Fort Crane, and the latter at Fort Gilliland.

That they received supplies from time to time from the acting quartermaster of the United States army and the acting commissary of subsistence, and placed the same in the public storehouses of their respective stations, signing receipts and vouchers for the same, D. C. Cash signing as "acting assistant commissary," and Giles U. Ellis as "assistant quartermaster at Fort Gilliland."

It is alleged by the memorialists, and also appears by the testimony submitted, that although signing receipts in this form, they considered themselves as acting merely in the capacity of agents of Crum, and responsible to him alone.

It also appears from the testimony, that they well and truly discharged their duties as the agents of the said Crum, receiving the supplies and disbursing them upon regular requisitions to the troops in service, and (in pursuance of law) to the suffering inhabitants; and that at the expiration of the performance of their duty, they accounted to R. R. Crum, the regimental quartermaster aforesaid, delivering to him all the receipts, invoices, requisitions, and other vouchers covering their issues, and which vouchers were made out in his name. That they had not supposed themselves liable for the property to any one other than Crum, alleging that they had received no authority whatever to act in their own names as agents of the government, either in the quartermaster's or commissary's department.

And yet, as the memorialists allege, to their surprise, when, after the war, they applied for the pay due them on the muster-rolls for

their military services, they were met by an offset of this very public property which years before they had disbursed under orders from a regularly recognised quartermaster, and to whom, as before stated, they had fully accounted.

A large mass of testimony in the form of affidavits was submitted to your committee in corroboration of the foregoing, and among others the affidavit of Crum himself, from which, the case of Ellis, the committee extract the following: "That while he was acting as quartermaster of Florida militia in the year 1837, G. U. Ellis was only his assistant or agent, and under his orders only, and was during no part of the time a quartermaster, and had no property in his possession as such. That said Giles U. Ellis was accountable to him, the said Richard R. Crum, and was required by him to account to him for all the supplies at or in his charge, and that he did account to him by delivering the property and papers of every kind whatever, invoices and receipts, agreeable to the orders of him, the said Richard R. Crum."

And in the case of Cash he testifies as follows: "That David C. Cash, a lieutenant in Lieut. Harn's company of Florida militia, (Col. Mills's regiment) in service from July to December, 1837, was acting as my agent in the quartermaster and commissary of subsistence departments at the post of Fort Crane; that as such he was authorized to receipt for, receive, and issue supplies in my name and stead. That he was held by me as accountable alone to me as quartermaster of the regiment, and that I demanded and received from him before the close of said service all his papers, vouchers, invoices, and receipts, in order to take up the same in my accounts, conceiving myself to be alone accountable to the United States, and having been so instructed by the colonel commanding. That on his rendering the said accounts and papers to me, I satisfied myself that he had fully accounted to me, and had properly applied the stores received by him, as such agent, to the public service. That said accounts and issues were taken up in my general abstracts, and that since that time they have, the most of them, been lost by me, and are not to be obtained. That Lieutenant Cash acted, as I fully believe, honestly and faithfully towards the public interests, and to the best of his knowledge of the regulations of the service, in rendering said accounts to me, not knowing or thinking himself to be responsible to any other person."

Sworn to and subscribed by

RICHARD R. CRUM,
Quartermaster Second Mil. Florida Volunteers.

Lieut. Henry Harn also certifies, under oath: "That I was lieutenant in command of a detachment at Fort Crane, and commanding officer of said post, during the term of service of Colonel Mills's regiment in 1837. That during said service, David C. Cash, a lieutenant of my command, acted as the agent of the regimental quartermaster (Crum) at said post; that he was acting under my immediate supervision all of the time, and received and issued supplies to the troops and suffering inhabitants on requisitions signed by me. That during the whole of said period, I never saw any misapplication of the public

supplies in his charge, and fully believed that all of them which he received were properly and honestly applied to the public service, or otherwise justly accounted for to the regimental quartermaster. That it was not known or believed by me, nor do I believe by said Cash, that he was accountable to any other than said Crum. That he was required by said Crum to render and deliver up to him all his accounts, vouchers, and papers connected with his duties, and to my knowledge he did deliver up to said Crum all such papers in his possession. That I am confident that all of the supplies received by said cash, or receipted for by him, (having seen the letter of Mr. Hagner, Third Auditor, in which they are charged) were actually issued by him to troops in service at the post, or to suffering inhabitants, under my requisition, with the following exceptions: he once issued, by my order, several days' rations to a detachment of about twenty-five men of Captain Tiner's company, when on a scout; and by order of Col. Gates, Lieut. Hunter and I were appointed a board of survey to examine and report on some supplies in his possession. On our report, five barrels of flour, three barrels of bread, two barrels and a half of bacon, one and a half barrel of pork, were destroyed; the foregoing amounts being to the best of my recollection."

Sworn to and signed by

HENRY HARN.

In view of the foregoing statement of facts, it appears to the committee unreasonable to withhold the amount which is due to the memorialists for their military services; and they therefore ask leave to introduce a bill for their relief, and to recommend its passage.