

1-23-1877

## On the Relief of J. Pearman

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IN THE SENATE OF THE UNITED STATES.

JANUARY 23, 1877.—Ordered to be printed.

Mr. WRIGHT submitted the following

REPORT:

[To accompany bill S. 85.]

*The Committee on Claims, to whom was referred the bill (S. 85) for the relief of J. W. Pearman, with accompanying papers, submit the following report:*

This bill proposes to allow claimant \$2,365.50 "for services rendered and expenses incurred in the protection of the frontier of Nebraska, in the years 1861 and 1862, against the incursions of Indians." These items of expense and service, as shown by vouchers properly sworn to and with the papers, (which vouchers are uniformly made out against the "Territory of Nebraska," and receipted as having been paid by claimant,) are substantially as follows:

1. Traveling-expenses to Fort Leavenworth after ammunition, clothing, &c., upon requisition of the governor of the Territory upon the officer in command at said fort, which supplies were obtained and stored in the armory at Nebraska City, subject to order of the proper authorities of the Nebraska militia.

2. For expense of ammunition furnished and work done for claimant as captain of Nebraska City Guards.

3. Hire of two horses for scouting purposes, by order of the acting governor.

4. For board and lodging of five men and horses while on a scouting-party.

5. Expenses on three trips to Omaha for arms for Nebraska City Guards.

6. For services as captain in cavalry and as colonel of First Regiment Nebraska Militia.

7. For money paid for rent of room for armory and storing of clothing, &c., for Nebraska City Guards.

It would seem clear from both the form and substance of these vouchers that they are for expenses chargeable against the Territory of Nebraska, and not against the United States Government; indeed, no attempt whatever is made to fix any liability on the Government aside from statements made by Hon. Alvin Saunders and Hon. A. S. Paddock, respectively governor and acting governor of the Territory during the time these services were rendered and expenses incurred, that the same were rendered and occasioned in repelling threatened Indian depredations in those years.

The statements of these honorable gentlemen leave no doubt as to the high and self-sacrificing character of claimant, the value of the services rendered, and the legitimacy and good faith of the expenses for

which Mr. Pearman generously advanced his own money; but it cannot be claimed that the General Government is in any manner liable. The claims are against the Territory solely, and there claimant should have sought relief.

Moreover, though these services were rendered and expenses incurred in 1861 and 1862, it does not appear that any attempt has been made until at this Congress to obtain compensation therefor. Without some explanation or excuse, this delay of over thirteen years would in itself be next to fatal to the claim, under the rule frequently followed by this committee.

We therefore recommend that the committee be discharged and the bill indefinitely postponed.

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