

University of Oklahoma College of Law

University of Oklahoma College of Law Digital Commons

American Indian and Alaskan Native Documents in the Congressional Serial Set: 1817-1899

2-14-1881

Claim of the State of Georgia.

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



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

Recommended Citation

H.R. Rep. No. 230, 46th Cong., 3rd Sess. (1881)

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 Law-LibraryDigitalCommons@ou.edu.

CLAIM OF THE STATE OF GEORGIA.

FEBRUARY 14, 1881.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. WELLBOEN, from the Committee on Indian Affairs, submitted the following

REPORT:

[To accompany bill H. R. 3841.]

The Committee on Indian Affairs, to whom was referred bill H. R. 3841, have had the same under consideration, and submit the following report:

Original vouchers, consisting of muster and pay rolls, offered in evidence to the committee show that the State of Georgia, in military operations against Indians within her borders, expended in the years 1812-1814, \$16,801.38, and in 1817-1818, \$5,766.04. There is also embraced in this claim an item of \$4,607 for moneys expended for like purposes in 1795-1800. The vouchers for this last-named amount have not been furnished the committee, and therefore the item is not allowed.

That the protection of the several States and the citizens thereof from Indian hostilities is and has been from the organization of the Federal Government a duty and charge incumbent upon the Federal Government, and that when in the absence of such protection the States themselves have made necessary expenditures in raising, arming, supplying, and maintaining troops for this purpose, they should be reimbursed for moneys thus advanced, are principles believed by the committee to be well founded in law and justice, and fully sanctioned by unbroken lines of precedents.

The proofs that the moneys covered by the vouchers before referred to have not been paid to the State of Georgia by the Federal Government are to be found in certificates, &c., from officers of the State of Georgia, and the following communications from the Treasury Department, copies of which are made a part of this report:

1st. Letter of March 4, 1858, from Third Auditor covers amounts expended in 1812-1814, the aggregate being \$16,801.38.

2d. Letter from Second Auditor February 23, 1858, covers amounts in 1817-1818.

3d. Letter from Third Auditor January 22, 1880, shows that no claims have been settled since 1858.

The committee recommend the passage of said bill with the following amendments, to wit: In fourth and fifth lines strike out "twenty-seven thousand one hundred and seventy-five dollars and fifty cents," and insert in lieu thereof "twenty-two thousand five hundred and sixty-seven dollars and forty-two cents." In eighth and ninth lines strike out "seventeen hundred and ninety-five" and insert "eighteen hundred and twelve."

CLAIM OF THE STATE OF GEORGIA.

EXHIBIT A.

TREASURY DEPARTMENT,
THIRD AUDITOR'S OFFICE, *March 4, 1858.*

SIR: Agreeably to the request in your note of the 12th instant, submitting a list of pay-rolls of Georgia militia for services performed in 1792, 1794, 1795, 1796, and 1797, and 1813 and 1814, and asking if there is any evidence in this office of payment for said services by the United States, an examination has been made of such accounts as are in this office for military service in Georgia with this result: It appears that from time to time Congress has appropriated large sums for militia service in Georgia, and paymasters have been sent to that country for the purpose of paying the claims, but I have not been able to discover from such accounts now in this office (some of them having been lost at the time of the destruction of the Treasury building in 1833) that the United States has made any payments for the service covered by the list you submit. The papers are herewith returned.

I am, sir, your obedient servant,

ROBT. J. ATKINSON, *Third Auditor.*

W. M. VARNUM, Esq.,
Agent for the State of Georgia, present.

TREASURY DEPARTMENT,
SECOND AUDITOR'S OFFICE, *February 23, 1858.*

SIR: In reply to your letter received this morning, desiring to know whether the United States Government has paid to the State of Georgia the several amounts as noted on the following papers, I beg leave to state that the records of this office do not show any such payments, to wit:

1. Capt. Jacob Robinson's company, in 1818.....	\$1,136 48
2. Lieut. Jacob Watkins's company, in 1817.....	225 75
3. Col. Richard H. Thomas, 1818.....	1,150 07
4. Col. E. Wimberly's command, 1818.....	1,290 00
5. Capt. J. Harrison's company, 1818.....	854 75
6. Capt. Timothy L. Rogers's company, 1818.....	708 99
7. Maj. Gen. Floyd's return of militia, 1817.....	580 62
	5,946 66

I return the papers as being of no use to this office.

Very respectfully, your obedient servant,

T. J. D. FULLER, *Second Auditor.*

W. M. VARNUM,
Agent of the State of Georgia.

TREASURY DEPARTMENT,
THIRD AUDITOR'S OFFICE,
Washington, D. C., January 22, 1880.

SIR: I have the honor to acknowledge the receipt of your letter of the 17th instant, requesting information relative to the claim of the State of Georgia for militia expenses from December, 1795, to August, 1827 (1818).

In reply, I have to state that it appears from the records of this office that Wm. M. Varnum, esq., as agent for the State of Georgia, filed in this office a claim for payments to certain commissioned officers from 1795 to 1818, on the 16th of February, 1858 (No. 2862). On the 23d of February, 1858, the agent withdrew vouchers numbered 43, 64, 65, 66, 67, 68, 69, 70, 71, 72, and 75, for payments of services since 1815, for reference to the Second Auditor. These vouchers (pay-rolls) amounted to \$10,718.26.

The whole amount filed February 16, 1858, was \$49,056.39, and the balance of the claim was withdrawn from this office March 4, 1858, by said agent, as will more fully be seen by reference to the letter of this office to him of that date herewith inclosed, marked Exhibit A.

There is no evidence on file in this office that the State of Georgia has, since that time, presented these claims for settlement to the accounting officers of the Treasury. The claims withdrawn by the agent for reference to the Second Auditor have not been returned to this office, and this office has no official knowledge of the action of the Second Auditor thereon.

The certified copy of abstract and letter of Hon. R. J. Atkinson, dated March 4, 1858 (marked Exhibit A), are herewith returned.

I am, very respectfully,

E. W. KEIGHTLEY, *Auditor.*

W. O. TUGGLE, Esq.
Agent for State of Georgia, Washington, D. C.