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Report : Petition of J. Bacon

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IN THE SENATE OF THE UNITED STATES.

JANUARY 11, 1882.—Ordered to be printed.

Mr. HARRISON, from the Committee on Military Affairs, submitted the following

REPORT:

[To accompany bill S. 323.]

The Committee on Military Affairs, to whom was referred the bill (S. 323) for the relief of James M. Bacon, have had the same under consideration, and submit the following report:

A bill similar in all respects to this was, at the last session of Congress, referred to this committee, and on the 27th of April, 1880, the following report thereon was submitted to the Senate by Mr. Plumb:

That in the month of June, 1864, Brevet Major-General Alfred Sully, in command of the first military district of the department of the Northwest, organized an expedition against the hostile Sioux Indians in the Upper Missouri River country. About the time said command started on its march, James M. Bacon, late first lieutenant First Regiment Dakota Volunteers, cavalry, was by General Sully assigned to duty as acting assistant quartermaster for said expedition, and he joined the command at Fort Randall. There were a large number of citizen employes with the expedition. With the concurrence of General Sully, a man by the name of William S. Linn, who had been in the employ of the quartermaster's department at Saint Louis, was employed on similar service with said command; and as said Bacon had had no experience in such duties, and, as stated by himself, had little aptitude for them, almost the entire business, so far as the clerical affairs of office were concerned, was confided to this clerk. He was esteemed both honest and competent, but addicted to occasional excessive dissipation.

The expedition was not supplied with quartermaster's funds, and a pay-roll was made out, and by order of General Sully a sufficient sum was borrowed of the sutler to pay the employes on their arrival at the Yellowstone River. The same process was repeated at Forts Rice, Sully, and Randall on the return trip. The amount so paid out was reimbursed by Bacon on the arrival of the command at Sioux City from funds furnished by the district quartermaster, upon the presentation of a proper pay-roll and receipts. Lieutenant Bacon, with the assistance of his clerk, then set about the work of preparing his accounts for transmissal to the proper accounting officers at Washington, and when so prepared in duplicate they were sent by the hands of the clerk (Linn) to Dubuque, then General Sully's headquarters, for his approval. The general, however, being absent in Chicago on special duty, Linn proceeded to that place and presented the accounts to General Sully, by whom they were approved. From that time to this Lieutenant Bacon states, and all the facts corroborate his statement, that he has neither seen nor heard of said Linn directly, nor has he ever been able to give any trace of the missing papers.

In May, 1865, only some two months subsequent to said approval of the vouchers, General Sully certified to the fact of said examination and approval, and, further, that, to the best of his recollection and belief, these papers and vouchers closed the accounts of said Lieutenant Bacon. Major William Myers, quartermaster United States Army, states that Lieutenant Bacon's account of the transaction, which is much more in detail than the foregoing, is correct, except that he (Myers) had no knowledge of the special assignment of Linn to duty as clerk with the expedition. Hon. Sylvester Baggs, now, or at the time of the making of his affidavit, judge of the circuit court of the ninth judicial district of Iowa, but at the time of the transactions referred to

chief quartermaster of the military district, testifies that Lieutenant Bacon was assigned to duty with the expedition at his (Bagg's) instance; that he furnished Lieutenant Bacon the funds as stated above, and that the pay-rolls and accounts were correct and properly receipted; that subsequently Lieutenant Bacon prepared his returns for submission to the accounting officers of the government, and that he (affiant) personally and carefully examined the same and found that they were correct and corresponded with the reports submitted to him, and that they showed that the funds had been properly expended by Bacon, as shown by the receipted vouchers filed with the returns; that he notified General Sully of such examination; that said accounts were sent to General Sully, as stated above, and that subsequently General Sully told him (Bagg) that he had examined and approved the same. Affiant further states that to his knowledge the clerk, Linn, never returned to Sioux City, nor in any manner accounted for the papers intrusted to him; and that it was currently reported and believed that said Linn "got on a drunken spree and absconded," and that he (affiant) has not since seen or heard of him. This affidavit is dated November 14, 1878. An affidavit of General Sully is also submitted, dated August 5, 1878, which is corroborative of the statements made in the foregoing. He says "that it is impossible for him at this late date to recollect the number of citizens employed by Lieutenant Bacon, or the amounts paid them, but he knows that by Lieutenant Bacon's accounts, the number and prices paid were correct."

The Quartermaster-General and Secretary of War both recommend that Lieutenant Bacon be relieved of this accountability. The committee are entirely satisfied from all the testimony that the amount for which this claimant is held was properly disbursed and accounted for, and that the failure of the returns and vouchers to reach their destination at Washington was through no fault of his. They find that he is not indebted to the government in any sum whatever; and, further, they do not hesitate to express their belief, from all the evidence submitted, and all the facts brought to their knowledge, that Mr. Bacon is a man of undoubted integrity, and that his claim to be relieved of this recorded accountability is one that commends itself to the prompt action of Congress.

The committee therefore recommend the passage of the bill.

The committee believe the foregoing to be a fair and correct statement of the facts of this case, and therefore recommend the passage of the bill.