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William Dickson.

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WILLIAM DICKSON.

[To accompany bill H. R. No. 835.]

JUNE 7, 1836.

Mr. E. WHITTLESEY, from the Committee of Claims, submitted the following

REPORT:

The Committee of Claims, to whom was referred the claim of William Dickson, report:

That the claimant states that Captain George Kerr, quartermaster in the left wing of the army in Florida, in April, 1836, purchased for the service the following horse-beasts at the following designated prices, to wit:

| | | | | | |
|--|---|---|---|---|-------|
| His own mare at | - | - | - | - | \$100 |
| The mare of a private by the name of Vantate, at | - | - | - | - | 110 |
| The horse of Ensign Simpson, at | - | - | - | - | 100 |
| | | | | | <hr/> |
| | | | | | \$310 |

The two last claims, Mr. Dickson says, he owns by purchase and transfer of the orders for payment; that Captain Kerr drew orders on Captain Dimmock, deputy assistant quartermaster, to pay each of the above sums of money; that he endorsed said orders according to instructions from said Dimmock; that Captain Dimmock agreed to procure the signature of General Eustis or General Scott to make the payment, and, when he was thus authorized, the money was to be remitted to the claimant at Anderson courthouse, South Carolina, by a check on Savannah or Charleston; that these orders were sent by Captain Dimmock to General Scott, and have been mislaid or lost. The claim has been presented to the accounting officers for liquidation and payment, and it has been rejected, on the ground that the orders were not presented, nor their loss clearly proved. Captain Dimmock says, in his letter of June 17, 1836, he sent them to General Eustis according to the best of his recollection; but he admits his memory is imperfect, from a multitude of business and from sickness.

In his letter of July 5, 1836, after examining his papers, he says he sent them to General Scott, at St. Augustine, for his endorsement; and since then, he says, he has neither seen the drafts, nor heard from them.

General Scott about this time left St. Augustine for the Creek nation, and it has been presumed that, as the drafts did not reach him, they have been mislaid or lost. Duplicate drafts have been presented to General Eustis to certify, which he has declined to do, until the original drafts are presented or their loss clearly proved.

There appears to be no doubt the purchases were made as stated, that orders were given for their amount, that they were transmitted to General Scott for his approval, that they have not been returned to the claimant nor to Captain Dimmock, and that the presumption is very strong that they have not been paid by any disbursing officer.

It was suggested by the Second Comptroller, under date of the 11th September, 1837, that the drafts having been endorsed might have been paid to an innocent holder by some disbursing officer. If the disbursing officers have settled their accounts, it may be ascertained whether these drafts have been paid. If they are now outstanding, the presumption is, after this lapse of time, they must be lost.

The proof is not sufficient to allow the claim without further investigation. Captain Kerr should state more positively than he has done that he purchased the horses of Vantate and Simpson, with the price he contracted to give. The claimant should prove he is entitled to these claims by purchase and assignment.

This testimony may be taken and presented to the accounting officers, under such rules as they may prescribe, with such other proof as they may find to be necessary to protect the United States from paying the money twice. They can ascertain whether the orders have been paid by any disbursing officer. The committee herewith present a bill to refer the claim for settlement, and, if allowed, for payment out of existing appropriations. Captain Kerr, it is said, at the same time purchased a horse of John Sullivan, gave an order on Lieutenant Dusenbury, which Sullivan endorsed to Jordon Gamble, and which Gamble placed in the hands of William Dickson for collection. Mr. Dickson says this order was handed to Captain Dimmock, to be sent to General Eustis or General Scott with the other drafts, and for the same purpose that they were sent.

It is apparent that Mr. Dickson has no interest in the order given to Mr. Sullivan, and the committee do not think it is expedient to make any provision for settling that claim until the rightful owner shall apply for it.