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## Hiram Hall

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## Report No. 353.

## HOUSE OF REPRESENTATIVES.

HIRAM HALL.

MARCH 9, 1848.

Laid upon the table.

Mr. JOHN CROWELL, from the Committee of Claims, made the following

## REPORT:

*The Committee of Claims, to whom was referred the petition and papers of Hiram Hall, report:*

The nature of this claim is explained by the petition; it is supported by an affidavit made by the petitioner, on the 14th of April, 1846, and is opposed by a report made by the Third Auditor of the treasury, on the 17th of November, 1845. The three papers, and the receipt of Captain Heintzelman, are published herewith.

The committee think the objections raised by the Third Auditor have not been satisfactorily answered by the petitioner, and therefore offer the following resolution:

*Resolved,* That the prayer of the petitioner be not granted.

## A.

*To the Senate and House of Representatives.*

The memorial of Hiram Hall, late a captain of Florida militia,

RESPECTFULLY SHOWETH:

That during the war with the Indians in Florida, he was in command of a company of volunteers, which served from the 3d of August to the 3d of November, 1840. That in his capacity as captain, he received in the month of August, 1840, from Captain Heintzelman, and Lieutenants Hendrickson and Johnson, officers of the

United States army, for the use and subsistence of his company, a quantity of provisions and forage, for which he received, and thus rendered himself accountable to the government therefor. That he used in the supply of his company a portion of said property so received, and delivered the residue to Captain S. P. Heintzelman, who, on the 10th of November, 1840, one week after the expiration of his term of service, upon mature and deliberate examination of all his proceedings, in regard to his receipts and issues of forage and subsistence, informed your memorialist that his transactions were closed; that his issues were correct, and that not only was he not indebted to the United States, but that the government was indebted to him, and further, that his (Heintzelman's) accounts to the government would contain, in an official form, the evidence of what he then verbally communicated. In addition to all which he then gave his official receipt, paper marked A., accompanying this memorial, addressed to the mustering officer, (whose business it is to be cognizant of the state of officers' accounts, so that if they are not indebted, there may be no objection to their receiving their pay,) declaring explicitly that your memorialist *had settled with him* for the property he had received from United States officers, as mentioned in the first part of this memorial. That your memorialist, not being yet entirely satisfied, and with the view if any objection or difficulty existed, to have it immediately remedied, while the facts were fresh in his memory, and while he could procure witnesses on the spot as to the proper appropriation of the supplies which came into his hands, insisted upon some further, and more formal evidence in the nature and form of the customary duplicate vouchers, but was assured by Captain Heintzelman that the receipt he had given was sufficient, whereupon your memorialist was satisfied, and of course lost the opportunity which he would have embraced, of rectifying any difficulty, had any at the time been presented. That having faithfully served the country in his military capacity, and done every thing proper in the line of his duty, he applied to the department at Washington, for the pay to his credit on the muster rolls, in the Second Auditor's office, when to his surprise, he learned that it was withheld on account of charges accruing out of the identical transactions for which he had accounted to Captain Heintzelman. For information as to these charges, your honorable bodies are respectfully referred to the correspondence which passed between the Third Auditor and the Hon. D. L. Yulee, who was then attending to the case, papers marked B, C, and D, and from which your honorable bodies will see that without the interposition of Congress, your memorialist is to be deprived of his just rights after the faithful performance of the services, for which he claims pay, after the proper fulfilment of every requisition incumbent upon him, and after a lapse of seven long years, since the rendition of those services, during which period he has lost the interest of the sum due him, which would swell the amount nearly one-half, and besides this, has been subjected to great trouble and vexation in the prosecution of his claim. Did all this arise from the

neglect or omission of your memorialist, he would not now appear before your honorable body, but as it grows out of the action of the government itself, through its officers, he has a just cause for complaint, that after volunteering in his country's service, and attending to every requisition which duty or prudence could dictate, that government should withhold the pittance due him for some vague and unfounded reason, unsustained by the fair and legitimate interpretation of language, and still more groundless, when considered with the absolute obligations of the government, for the acts of its public agent, when acting within the scope of his authority as Captain Heintzelman was.

Nor is your petitioner even made acquainted with the precise reason for the refusal of the proper accounting officer to relieve him of his liability, and it is still involved in mystery. For, your honorable bodies will perceive, on perusing Captain Heintzelman's reply, paper D, that that officer states that his receipt was intended to show that your memorialist "*had not overdrawn supplies from the United States,*" thus admitting the whole ground in controversy; for surely it is self-evident, that if he has *not overdrawn*, he has drawn according to the limits of law and regulation, and is liable to no charges whatever. Yet, the Third Auditor in his letter of October 14, 1843, (paper D,) inclosing the reply of Captain Heintzelman, simply alleges, that "*it is not sufficient*" to relieve your memorialist from the charges against him.

Under the circumstances, therefore, he is compelled to resort to your honorable bodies for relief and redress in a case, as he conceives, of an aggravated nature; in which, through the action of the officers of the United States, his private rights are invaded and withheld. He will not quietly submit to a case of oppression, aggravated by every day's delay, without bringing the whole matter to the attention of Congress, accompanied by his protest, against the power of the government or any of its officers, to interpose or use his claim as an offset to the liabilities of any public agent or officer.

He submits it to the justice of your honorable bodies, that the matter of liability, as concerning the public property with which he was charged, having been once formally and fully settled with an officer of the United States, authorized to receive the overplus of the public property in his hands, that the relations between him and the United States therefor are terminated, and his accounts closed; and that if the United States have difficulty or embarrassment in adjusting the accounts of its agent as concerning this transaction, that is a concern with which, under the circumstances, reason and justice will dictate, your memorialist is not a party.

He therefore, humbly begs that your honorable bodies will pass a law directing the proper accounting officer immediately to liquidate and settle the pay for his military services, so long unjustly withheld; and as in duty bound, will ever pray.

HIRAM HALL,

*By his Attorney, in fact.*

WASHINGTON, February 4, 1848.

B.

GEORGIA, }  
Lowndes county, } ss.

Before me; Morgan G. Swain, a justice of the peace, in and for said county, personally came Hiram Hall, who being duly sworn, deposeth and saith on oath, that during the term for which he was mustered into the service of the United States, which said term expired on the 3d November, 1840, but which, on account of the mustering officer not being able to attend to muster out his company, was prolonged until the 11th or 12th November, 1840, all the supplies furnished to his company were received under orders from Captain Heintzelman and another officer, whose name this deponent does not recollect; that the amount of pork and bread thus furnished were not used by his company, but were returned to Captain Heintzelman, and that none of the supplies with which this deponent appears charged were used by his company, except the rice and forage, so far as this deponent knows or recollects, and that these were accounted for with Captain Heintzelman. This deponent never received any fodder as charged, but did receive 400 lbs. of hay, and 114 bushels of corn; for all of which he accounted to Captain Heintzelman; the said Heintzelman assuring this deponent that his company had not drawn the amount of subsistence and forage to which they were entitled, and that his returns to the department would show such to be the fact, and obviate all difficulty. This deponent further saith: That all the subsistence and forage drawn by his company, were issued to his men, and that he made a full and final settlement of the same with Captain Heintzelman, and that on applying to him for duplicate receipts he was told by said Heintzelman that the certificate or receipt which he gave me to the mustering officer, dated 10th November, 1840, was a sufficient shewing without any duplicate. This deponent further saith: That a part of the supplies furnished by Lieutenant Johnson and Hendrickson were surveyed by Captain Heintzelman's orders, and pronounced damaged, unfit for use and unwholesome, and that they were returned to said Heintzelman, and other supplies got in their place from said Heintzelman. This deponent further saith: That he is not indebted to the United States anything, but has long since settled up with the proper officers, and accounted to them for all the supplies ever received by this deponent for use of his said company.

HIRAM HALL. [L. s.]

Sworn to and subscribed, before me, this 14th April, 1846.

M. G. SWAIN, J. P.

C.

TREASURY DEPARTMENT,  
*Third Auditor's office, November 17, 1845.*

SIR: Having heretofore acknowledged the receipt of your letter of the 10th instant, in relation to the accounts of Captain Hall, of Florida militia, I have now to inform you that whatever may have been the nature and extent of the settlement referred to in the papers given by Captain Heintzelman to Captain Hall, which you quote in your letter, this office could not, on such a statement, relieve Captain Hall from his indebtedness, on account of the provisions and forage with which he is chargeable. With regard to your remark that you hope, upon a further consideration and investigation, the department will see that this is a case in which, whatever may be the difficulties in the way of its settlement, the claimant should not be held responsible, I have to state that the accounts of Lieutenants Johnson and Hendrickson afford ample evidence that they delivered the provisions, &c., in bulk to Captain Hall, but he produces none to show that he either issued them to his company or turned them over, as he alleges, to Captain Heintzelman, and until he can make it appear that he did turn them over as stated, he alone is responsible. Captain Hall, as was ascertained from the accounts of Captain Heintzelman, turned over some provisions to him, which, having been deducted from the quantity received by Captain Hall from the officers before mentioned, leaves him accountable for the remainder, amounting to \$798 27, and also, for the forage received from Lieutenant Hendrickson, amounting to \$164 75.

An effort, as you are aware, has been made to obtain a satisfactory explanation from Captain Heintzelman in regard to the nature and extent of the settlement referred to in the paper given by him to Captain Hall, but as yet the effort has been without success.

As to the statement of Captain Hall in his letter of the 23d of November, 1843, which you enclosed to me, that his company was entitled to forage for 81 horses, and that he had also to furnish forage for two six mule teams, making 93 head in all, I would add that the number of horses belonging to the company, including those of the officers, as stated by Captain Hall, corresponds with the number as shown by the rolls; but the accounts of Captain Heintzelman, and Lieutenants Johnson and Ketchum, show that he drew forage on regular requisition during the period of the service of the company, from the 4th of August to the 12th of November, 1840, for 81, 95, and 99 horses, independent of the forage he received from Lieutenant Hendrickson, in bulk, with which he stands charged. The letter of Captain Hall is herewith returned.

Very respectfully, your obedient servant,

PETER HAGNER, *Auditor.*

Hon. D. LEVY,  
*Washington city, D. C.*

D.

ST. MARK'S, FL'A, November 10, 1840.

SIR: I have this day settled with Captain H. Hall for the forage and subsistence furnished by me and Lieutenants Hendrickson and Johnson, during his term of service for three months ending November 3, 1840.

W. HEINTZELMAN,  
Captain and A. Q. M.

To the MUSTERING OFFICER..

TREASURY DEPARTMENT,  
Third Auditor's office, October 9, 1843.

SIR: Agreeably to request per your letter of the 7th instant, which was received this morning, I herewith return the letter of James M. Keen, received from you on the 30th ultimo, and as verbally requested some days since. I also return a paper, received from you at the same time, purporting to be a certificate of settlement by Captain Heintzelman, U. S. A., with Captain H. Hall, of the Florida militia, for forage and subsistence furnished by said Heintzelman and Lieutenants Hendrickson and Johnson for his term of service for three months, ending November 3, 1840.

I am, respectfully, your obedient servant,

PETER HAGNER, Auditor.

Hon. D. LEVY,  
Washington, D. C.