

5-5-1852

## Report : Mr. Broadhead

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



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

---

### Recommended Citation

S. Rep. No. 212, 32nd Cong., 1st Sess. (1852)

This Senate 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 [darinfox@ou.edu](mailto:darinfox@ou.edu).

IN THE SENATE OF THE UNITED STATES.

MAY 5, 1852.

Ordered to be printed.

Mr. BRODHEAD made the following

REPORT:

*The Committee of Claims, to whom was referred certain documents in relation to the claims of Captain George E. McClelland's company of Florida volunteers, have had the same under consideration, and report:*

It appears that, some time in February, 1840, during the excitement growing out of the Indian hostilities, a public meeting of the citizens of Columbia county was held, and a military company was formed and organized by the election of officers. On the 5th March Captain McClelland addressed a communication to the governor of the Territory, informing him of the organization of the company, and desiring him to receive them into the service of the Territory. Governor Reid replied, on the 11th April, that it was out of his power to comply with the request at that time, but he would refer the matter to the War Department. On the 15th July the company was received into the service of the United States. This claim is for the time that elapsed between the organization of the company, on the 5th March, and their being mustered into service, on the 15th July, a little over four months.

In 1843 a board of United States officers, then in service in Florida, consisting of Major L. Thomas and Captain Waggaman, was appointed to investigate the merits of this claim, who proceeded to take the testimony of Captain McClelland and several other officers and privates of the company. After a full examination the board reported that,

"The claim of Captain McClelland is for one half of the time included between March 3 and July 14, 1840, being sixty-seven days. The company was received into the service of the United States as a part of Brigadier General Reid's brigade, July 15, 1840. The claim is founded on the necessity for additional force to protect the settlements in which the members of the company reside. The evidence fails to establish the necessity for the service, and besides, the most advanced portion of the settlements lay midway between two military posts, Nos. 16 and 17, garrisoned at the time, each by half a company of infantry. The advanced settlements were not more than ten or twelve miles from either of those stations. Two other posts, on the frontier of Columbia county, were garrisoned.

"Captain McClelland claims pay for one half the period embraced in the roll, on the ground that that much service was performed. The evidence shows clearly that one fourth of the company was ordered out at a time to

perform a week's service, and that of this time not more than three or four days of actual service was rendered, reducing the whole of this service to one eighth of the time. This appears to have been a neighborhood company, the men, when not on duty, remaining at their homes, attending to their business."

The committee think that this opinion of the board of officers is fully sustained by the evidence in the case. It was a mere neighborhood association, organized for the purpose of mutual defence, such as has often been resorted to under similar circumstances, and such as any prudent community would be likely to adopt that happened to be located in the vicinity of hostile savages, but for which it has not been usual for the government to make compensation in the manner prayed for.

The committee recommend the adoption of the following resolution:

*Resolved*, That the claim be rejected.