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Report : Mr. Dawson

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IN THE SENATE OF THE UNITED STATES.

FEBRUARY 13, 1854.—Ordered to be printed.

Mr. DAWSON made the following

REPORT.

[To accompany Bill S. 206.]

The Committee on Military Affairs, to whom was referred the memorial of Mrs. Harriet O. Read, executrix of the late Brevet Colonel A. C. W. Fanning, of the United States army, having had the same under consideration, make the following report :

This case was referred to the Senate Military Committee at the last session of Congress, when, after a careful examination, a favorable report was made upon it.

The account presented is as follows :

<i>United States,</i>	<i>To A. C. W. Fanning,</i>	<i>DR.</i>
For services as commissioner for restoring Fort St. Mark's to the Spanish authorities, March 15, 1819.....	\$500 00	
For services as commissioner to receive Fort St. Mark's into the United States government, June 17, 1821.....	500 00	
	\$1,000 00	
By cash on account.....		200 00
		\$800 00
For services as Indian agent at Forts Gasden and St. Mark's, from April 28, 1818, to December 4, 1821, at \$1,500 per annum.....		5,400 00
By cash on account.....		220 00
		5,180 00
For commissions 2½ per cent. on \$50,000 disbursed on account of Augusta arsenal, Georgia.....		1,250 00
		7,230 00
		7,230 00

It is in evidence that Colonel Fanning was appointed by General Andrew Jackson to restore and receive Fort St. Marks, which was no part of his official duty, and for these extra services he charged \$1,000;

for similar services Colonel Robert Butler received an extra allowance of six dollars per day, while Colonel Fanning only charged the above sum for seven and a half month's service. Colonel Fanning presented this charge to the War Department in 1824, where it was not disallowed, but the secretary (Mr. Calhoun) paid on account \$200, being "all the balance on hand of the appropriation for the cession of the Floridas."

The charge for services as Indian agent was rejected in part by the department, "because the government had no authority to appoint an agent in Florida prior to the cession of that country to the United States." The committee are satisfied that the service was performed faithfully and amid great privations and personal dangers.

General Jackson, who was familiar with Colonel Fanning's services, wrote him on the 1st January, 1824, as follows: "You performed the duties of Indian agent and commissioner well and faithfully, and to my entire satisfaction, and, if any one was ever paid for such services, you should be." And \$1,500 is the usual annual salary of Indian agents. The \$220 paid on this item was for services after the cession of the Floridas to the United States.

In 1827-'28, Colonel Fanning was ordered to Augusta arsenal, Georgia, in the routine of artillery duty, where he found himself charged not only with the command of that post, but also with the extra duties of ordnance officer, superintendant of the arsenal, then in process of construction, and the disbursement of public money consequent upon these extra duties.

An act of Congress, approved March 2, 1821, required ordnance officers to be detailed from the artillery. They were thereby relieved from other responsibilities; yet these numerous and difficult services were imposed upon Colonel Fanning for four years, in despite of his remonstrance.

Colonel Bomford, chief of ordnance, in reply to Colonel Fanning, under date of August, 1832, says:

"SIR: Your letter of the 27th ultimo has been received. Your previous requests to be relieved from ordnance duty were submitted and recommended to the general-in-chief, upon which it appears there have been no measures adopted. The subject has been again brought to his notice, and as soon as an answer is received it will be communicated to you.

"With respect to your remarks on the subject of extra pay, so far as you can be assisted in obtaining it by this department you may calculate upon it. Your duties have been arduous and satisfactorily performed; and no less favorable rule shall be applied to with its consent, than to others.

"Col. A. C. W. FANNING,

"Augusta, Georgia."

The records of the Treasury Department show that Colonel Fanning disbursed at Augusta, Georgia, \$50,000 of government funds, and his public accounts have been settled to a cent. The charge of two and a half per cent. upon these disbursements was refused by the department for want of precedents, while numerous precedents are to be found in

H. R. Doc. No. 6, 27th Congress, 3d session, pages 4, 5, 6, 7, 15, 24, 33, 44, 48, and 49, where commissions of two and a half per cent. have been allowed for similar disbursements of moneys in building arsenals. In page 18 of the same document, Colonel Fanning is charged to have received "compensation for disbursing money in constructing the arsenal at Augusta, Georgia, \$562 50," while his own duplicate account shows it to have been paid him as per diem as superintendent of the work. The principal of allowing commissions for such disbursements by officers of the army, beside their regular pay, has been settled by Congress in the case of the late Captain Hetzel.

Many of the papers and vouchers necessary to sustain this claim have been lost or burnt, and Colonel Fanning alluded to it in his will and bequeathed it to his heirs, as a part of his estate, in the confident belief that Congress would not hesitate to provide for its payment.

Upon a careful examination of this case, and with a desire to do justice to the legal representatives of a meritorious and gallant officer, whose death was produced prematurely by the privations and hardships to which he was exposed in the faithful discharge of the very extraordinary duties for which this account is rendered, the committee have concluded to allow it as stated above, and report a bill accordingly.