

NATHAN COATS.

MAY 25, 1840.

Laid on the table.

Mr. GIDDINGS, from the Committee of Claims, made the following

REPORT :

*The Committee of Claims, to whom was committed the petition of Nathan Coats, report :*

The petitioner sets forth, that, in the year A. D. 1837, he acted as a quartermaster in a battalion of volunteers from the State of Alabama who were engaged in the Creek war; and while so engaged, he paid to various persons as compensation for services rendered as teamsters the sum of one dollar per day; amounting in the whole to four hundred and seventy-one dollars; and that he paid to John Coats for services rendered as wagon-master the sum of one hundred and fifty-two dollars, at the rate of two dollars per day; that, on settlement of his accounts at the Treasury Department, the accounting officers rejected said several sums except the sum of fifteen cents per day, which was allowed to each teamster, making only the sum of seventy three dollars and twenty cents which was allowed, leaving the sum of five hundred and sixty-seven dollars, which petitioner alleges he has paid out for the benefit of Government, and which he prays may be refunded to him.

The Secretary of War was called on by the chairman of this committee for information respecting this claim; and the Third Auditor reported that, by the law of 1819, men who were in service were allowed but fifteen cents per day additional compensation for acting as teamsters. That all the men employed by the memorialist were in the service of the United States at the time they were employed as teamsters; and were therefore entitled to no more than fifteen cents per day extra pay.

That the sum paid John Coats as wagon-master was rejected upon the principle that the office of wagon-master was unnecessary as there was a train of only seven wagons.

The committee consider the petitioner, while acting as quartermaster, could not, with propriety, assume the responsibility of paying out money for the public service. He was not a disbursing officer; the paying of money for the purposes stated in the petition, constituted no part of his regular duties; nor could such acts bind the Government or constitute a valid claim on behalf of the petitioner. If, however, he assumed the responsibility of paying out money under the circumstances stated, it was his duty to have limited such payments to the provisions of the laws then in force. If he transcended those limits the loss ought not in the opinion of the committee to fall on the Government. They therefore recommend to the House the adoption of the following resolution :

*Resolved,* That the petitioner is not entitled to relief.