

JOHN P. HICKMAN—ADMINISTRATOR OF.

[To accompany bill H. R. No. 223.]

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MARCH 8, 1842.

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

REPORT :

*The Committee of Claims, to whom was referred the petition of the administrator of John P. Hickman, report :*

That the petitioner sets forth that said Hickman was appointed a paymaster in the Tennessee militia, engaged in the Florida war, in 1836, and, having completed his time of service, died before a final settlement of his accounts at the proper department ; that he was debited with a large amount of money, and, on presenting his receipts for disbursements, many of them were rejected for mere informality ; that moneys were were paid by said Hickman to other officers of the army, who paid out the same for necessary and legal supplies for the army.

That said Hickman also paid out money for horses lost in the service, which he was not authorized by law to pay. The petitioner asks that he may be credited for these items.

The committee entertain the opinion that, so far as the public moneys intrusted to the intestate were actually paid out for the use and benefit of the Government, such payment should apply in discharge of his liability ; that any mere want of formality in the vouchers should not prevent such credit, provided the United States have received the benefit of the money. The committee are equally satisfied that no allowance should be made for moneys paid for horses lost in the public service, which the paymaster was not authorized to pay for. To permit a paymaster to expend the public moneys for purposes unauthorized by law would be a precedent of dangerous tendency. The committee think the case should be referred to the Treasury Department, with authority to audit and adjust the claim of the petitioner agreeably to the above principles ; and, for that purpose, herewith report a bill.