

Report No. 645.

[To accompany bill S. No. 512.]

HOUSE OF REPRESENTATIVES.

ISAAC GARRASON, ADMINISTRATOR OF DARIUS GARRASON.

MAY 30, 1848.

Mr. JOHN A. ROCKWELL, from the Committee of Claims, made the following

REPORT :

The Committee of Claims, to whom was referred the petition of Isaac Garrason, administrator of Darius Garrason, report as follows:

The merits of this claim can be seen by reference to the accompanying papers. It is evident that supplies for the army purchased by an officer authorized to purchase them, or supplies actually furnished to and consumed by the army, although the contract of purchase should not have been made with the officer specifically authorised to make such purchase, should be paid for by the United States.

The principal objection to this claim, as given in the report of the Third Auditor, is as follows:

“It having been ascertained, by examination in this office, that the 6th regiment of Florida militia received more forage than it was entitled to for its services, commencing 15th November, 1835, and ending 26th March, 1836, I am of opinion that such of the items of the foregoing claims (this among the number) as are for forage for that regiment, are wholly inadmissible. And if the residue of said claims were freed from the specific objections set forth in respect to each particular account, I am of opinion that none of the items for forage and subsistence ought to be paid for, until it shall have been ascertained that the troops were entitled thereto, in addition to the supplies that have already been paid for by the United States on their account.”

The committee deny the soundness of this doctrine. The principle that supplies furnished to the army by an innocent person, and purchased by an officer authorised to make the purchase, shall not be paid for, because by negligence or fraud of the government officer, or other cause, the supplies previously obtained have been wasted, is, in the opinion of the committee, most unsound, and leads to the grossest injustice.

The committee report a bill referring it to the department to ascertain the value of the articles furnished, and to pay the amount to the legal representatives of Darius Garrason.

A.

To the Senate and House of Representatives of the United States of America in Congress assembled:

Your memorialist, Isaac Garrason, administrator upon the estate of Darius Garrason, deceased,

RESPECTFULLY REPRESENTS:

That the said Darius, during his life time, was a planter in the county of Alachua, Florida; that, during the Indian disturbances in the years 1835, and 1836, the said David Garrason furnished sundry supplies for the troops in the service of the United States at Fort Walker, in said county, as will appear by the account annexed, (exhibit A;) that said supplies so furnished were received and used by said troops, and the account certified by the officers then in command at said post; that the said Darius Garrason died before the presentation of said account, and never was paid for said supplies during his lifetime, nor since to your memorialist, who is the son and heir at law, and administrator on his estate; that the claims for supplies furnished to the troops were furnished during an alarming and exciting period; at a time when supplies were scarce and difficult to be had, and the transportation thereof at the peril of all who undertook it; that the said account was presented to the accounting officers of the government, and rejected on the most frivolous grounds, grounds which go to show that claimants have to contend against officers of the government, whose sense of justice and right are so blunted as to suppose that the tenure of office depended solely on the amount of injustice practised towards the honest farmers of the land, who, from not being enlightened as to the forms of office, or cunningly advised as to those who have authority to buy, are to be cheated of the fruits of their labor by a course of reasoning that would bear the impression that the accounting officers are not the servants of the people, but the feed attorneys of the government.

Your memorialist further states that there is no denial or pretence made that said supplies, so long ago furnished, and the payment of which has so long been unjustly delayed, were not sold,

and purchased by said officers; but a string of formal and silly objections have been raised, as will appear by reference to the decisions of the accounting officers, hereto annexed, all of which objections your memorialist will show to be disreputable to the government, and such as should cause a reformation in the bureau having the charge of claims against the United States.

The first objection raised, that Lieutenant Colonel Rawls and Quartermaster Kendrick were the proper persons to approve and certify the account, presupposes they were present when the supplies were delivered, which your memorialist avers was not the fact; and the ground assumed, that they were present from the fact that said Lieutenant Colonel Rawls signed the muster rolls, only goes to prove that Colonel Sanchez, the colonel commanding, was absent at the time the muster rolls were signed, and no more. The Third Auditor can imagine that Lieutenant Colonel Rawls was present when the supplies were delivered, because he signed the muster rolls; but cannot, on the other hand, imagine that he might be absent when the colonel commanding approved and signed the account for supplies. Such imaginings show a pruriency for objections not creditable to the head of a bureau or the government. The fact is, as your memorialist is informed, that Colonel Sanchez, the commanding officer, was the proper officer to approve and certify. He does so certify and approve; but because he was absent when the muster rolls were signed by Lieutenant Colonel Rawls, as it is fair to infer, and in the absence of proof to the contrary, it is urged by the Third Auditor that he was not present when he approved and certified the account for supplies. This is departmental logic from which your memorialist prays to be delivered.

The second objection, as to there being no administration on the estate of said Darius Garrason, is removed by the annexed duplicate of letters of administration, (exhibit C.)

The third objection is, that the 6th regiment of Florida militia "received more forage than it was entitled to." This is rather a novel objection to raise against a claimant for supplies furnished. It presupposes a degree of knowledge not usual to be known by the farmers of the country, and subjects the military officers of the service to imputations, for which it would be cruelly unjust to punish the honest seller of supplies. How far such bureau logic can impose on the good sense of Congress, time alone will show. Your memorialist would observe, however, that he has no doubt that said 6th regiment did receive more forage and subsistence than it was entitled to for its own consumption; but your memorialist avers, and it was generally known, that the 6th regiment collected forage and subsistence for the use of foreign militia troops, and several companies of the regular army; and he well knows that a large quantity of corn collected at Fort Walker by said regiment was left there when the post was abandoned, and immediately burnt and destroyed by the Indians; that the said 6th regiment was the general rendezvous for the citizens, driven from their plantations throughout the country, and that forage and subsistence

was supplied to them as their necessities demanded, to a large amount.

Your memorialist avers, that the claim of said Darius Garrason is a just and honest one, and has never been paid, and has been denied on account of the unjust exactions of the accounting officer, and the want of knowledge as to the forms of office, and the confiding character of humble men, who, trusting to commissioned officers in the service, never doubting their authority to buy, or that their certificates, when in command at the several posts, would be objected to by the wise men at the seat of government.

And your memorialist, as in duty bound, &c.

ISAAC GARRASON,

Administrator of Darius Garrason, deceased,

By his attorney,

GEORGE MACKAY.

B.

TREASURY DEPARTMENT,

Third Auditor's Office, March 1, 1848.

SIR: In your letter of the 23d ultimo, which I have had the honor of receiving, you say, "will you cause to be transmitted copies of the claim of Darius Garrason, deceased, together with the testimony and decisions of the accounting officers."

In reply, I beg leave to state that the account, together with the testimony in support of said claim, were returned to George Mackay, esquire, the attorney for J. Garrason, at Newnansville, E. Flo., on the 25th May, 1842, since when they have not been received at this office.

I have the honor to transmit herewith copies and extracts of the decisions of the accounting officers of the treasury upon said claim, in March, 1840, and May, 1842.

Very respectfully, sir, your obedient servant,

PETER HAGNER, *Auditor.*

To Hon. JOHN A. ROCKWELL,

Chairman of Com. on Claims,

House of Representatives.

C.

TREASURY DEPARTMENT,
Third Auditor's Office, March 11, 1840.

Report of the Third Auditor on the claim of Darius Garrason, presented (with other claims) to the quartermaster general by Nathan Jewett, and by the quartermaster general transmitted to the Third Auditor's office, under date of February 21, 1840, "for the decision of the accounting officers of the Treasury Department.

Date of claim.	Name of claimant.	By whom certified, examined and approved.	Description of claim.	Amount of claim.
1835. Dec. 24.	Darius Garrason,	Richard R. Crum, assist. qr. mr., and F. R. Sanchez, col. com'd'g 6th regiment Flo. mi'a....	542 bu. corn, \$2, \$1,084 00	
" 30. 1836.	2,827 lbs. fod., 2 cts. 56 54	
Jan. 13.	234 bu. corn..... 468 00	
				<u>\$1608 54</u>

At the periods these supplies purport to have been furnished, Lieutenant Colonel Cotton Rawls appears, by the muster rolls, to have been the commanding officer of the 6th regiment of Florida militia, and James Kendrick, the quartermaster of said regiment. Lieutenant Colonel Rawls and Quartermaster Kendrick would, therefore, have been the proper officers to have approved and certified the above described account.

Attached to the above described account is an affidavit of J. Garrason, purporting to have been made before Warren Harville, a justice of the peace for Alachua county, Florida, on the 25th of January, 1840, and in which said J. Garrason states that the above named Darius Garrason died in the month of February, 1838, but that previously thereto, say on the 22d of August, 1837, said Darius did execute to him, the said J. Garrason, a power of attorney, giving him full power to collect and receive from the United States, his (said Darius Garrason's) claim. The affidavit also sets forth that no legal administration on said Darius Garrason's estate has been made. If, therefore, the claim above described should be freed from all the objections thereto, I am of opinion that the money should not be paid to J. Garrason, in the absence of an administration on Darius Garrason's estate, or at least not until he shall furnish satisfactory evidence of his having paid Darius Garrason an equivalent for the supplies charged for, at or before the execution of the power of attorney alluded to in the affidavit above referred to. * * * * It having been ascertained by examination in this office that the 6th regiment of Florida militia received more forage than it was entitled to, for its services, commencing 15th November, 1835, and ending 26th March, 1836, I am

of opinion that such of the items of the foregoing claims, (this among the number,) as are for forage for that regiment, are wholly inadmissible. And if the residue of said claims were freed from the specific objections set forth in respect to each particular account, I am of opinion that none of the items for forage and subsistence ought to be paid for, until it shall have been ascertained that the troops were entitled thereto, in addition to the supplies that have already been paid for by the United States on their account.

The papers transmitted by the quartermaster general, in relation to the foregoing claims, (this among the number,) are herewith transmitted for the decision of the Second Comptroller of the Treasury thereon.

PETER HAGNER, *Auditor.*

To ALBION K. PARRIS, Esq.

Second Comptroller of the Treasury.

TREASURY DEPARTMENT,
Second Comptroller's Office, March 12, 1840.

I concur in opinion with the auditor in regard to the claims, (this among the number,) particularly described in the foregoing report.

ALBION K. PARRIS, *Comptroller.*

In May, 1842, the accounting officers of the treasury again decided upon the claim of said Garrason, as follows:

TREASURY DEPARTMENT,
Third Auditor's Office, May 24, 1842.

Report of the Third Auditor on certain claims sent under cover of a letter from George Mackay, attorney for Isaac Garrason, dated the 16th of May, 1842, addressed to the Secretary of the Treasury of the United States, and by him referred to this office on the 23d of May, 1842, viz:

Darius Garrason, for corn and fodder in 1835 and 1836 \$1,608 54

The foregoing claims, (this among the number, having been (in March, 1840) reported upon by the accounting officers of the treasury, and the objections to their allowance then fully stated, a copy of which report was transmitted to the quartermaster general, on 13th March, 1840, and now accompanies the papers.

The objections then stated to their allowance do not appear to be removed by the additional evidence adduced to substantiate them; for it will be seen that the deposition of the claimant, with the evidence of his administratorship on the estate of Darius Garrason,

the original claimant, are the only additional evidences he produces for the removal of the objections heretofore made to their allowance.

I am, therefore, of the opinion that, until the former objections are removed, the claims should not be allowed.

The papers in relation to the foregoing claims are, herewith, transmitted for the decision of the Second Comptroller of the treasury thereon.

PETER HAGNER, *Auditor.*

To ALBION K. PARRIS, Esq.,
Second Comptroller of the Treasury.

TREASURY DEPARTMENT,
Second Comptroller's Office, May 25, 1842.

This claim cannot be admitted until the objections particularly pointed out in the Auditor's report of March 11, 1840, shall have been removed.

ALBION K. PARRIS,
Comptroller.

TREASURY DEPARTMENT,
Third Auditor's Office, March 1, 1848.

I certify that the foregoing are true copies and extracts from the records on file in this office.

PETER HAGNER, *Auditor.*

D.

THE UNITED STATES,

To Darius Garrason, Dr.,

FORT WALKER, }
 Alachua county, }

1835.			
December 24,	To	542 bushels of corn, at \$2.....	\$1,084 00
" 30.		2,827 lbs. of fodder, 2 cents.....	56 54
1836.			
January 13.		234 bushels of corn at \$2.....	468 00
			1,608 54
			1,608 54

I do hereby certify, on honor, that the above account, amounting to one thousand six hundred and eight dollars and fifty-four cents

is correct and just; that I purchased the articles charged for in the above account for the use of the troops in the service of the United States.

RICHARD R. CRUM,
Ast. Quartermaster of the 6th Regt. Florida Militia.

Examined and approved.

FRANCIS R. SANCHEZ,
Colonel commanding 6th Reg. F. M.

Received of ———, the above account, amounting to one thousand six hundred and eight dollars and fifty-four cents.