

DAVID C. CASH AND GILES U. ELLIS.

[To accompany bill H. R. No. 51.]

JANUARY 6, 1852.

Mr. WILCOX, from the Committee on Military Affairs, made the following

REPORT:

*The Committee on Military Affairs, to whom was referred the memorial of David C. Cash and Giles U. Ellis, beg leave to make the following report:*

From an inspection of the papers and vouchers appended to the memorial, the Committee find that David C. Cash and Giles U. Ellis served in the war with the Seminole Indians in Florida—Cash, as a lieutenant, and Ellis, as a private—and that they were appointed to assist the regimental quartermaster and commissary of subsistence, Richard R. Crum, in the receipt and disbursement of supplies—Ellis at Fort Gilleland, and Cash at Fort Crane,—that they well and truly discharged their duties in the disbursement of supplies to the troops and to the suffering inhabitants, upon regular requisitions, and at the expiration of the performance of their duty, they accounted, as in duty bound, to R. R. Crum, the regimental quartermaster aforesaid, delivering to him all the receipts, invoices, requisitions, and other invoices covering their issues: yet, the government seeks to hold them responsible as its agents, when, in fact, there was no priority of contract between them and the government, they having not been appointed by the government, and holding no commission under it in that character, but were acting as the agents of Crum, the regular qualified and commissioned officer of the government. Your Committee are ready to admit the fact, that there is a coloring of indebtedness to the government, by Cash and Ellis, on account of their failure to insert after their names in their receipts, that they received the property as the agents of Crum. This seeming liability, however, is removed by the affidavits of Cash and Ellis, sustained and corroborated by the affidavit of Crum, who says that they were acting as his agents in the quartermaster's and commissary's department, and that as such they were authorized to receipt for, receive, and issue supplies in his name and stead; that they were held by him as accountable alone to him, as quartermaster of the regiment, and that he demanded and received of them, before close of said service, all their papers, vouchers, invoices, and receipts, in order to take up the same in his accounts concerning himself, to be alone accountable to the government; that on rendering such accounts and papers to him, he satisfied himself that they had fully accounted to him, and had properly applied the stores received by them as his agents, to the public service. That said

accounts and issues were taken up by him in his general abstract, and that since that time they have, the most of them, been lost by him, and are not to be obtained. This affidavit is also sustained by other testimony.

The Committee are, therefore, of opinion, from the affidavit of Crum alone, that he is the party liable to the government for any deficit or arrearages occurring in his department, as quartermaster or commissary aforesaid, and would beg leave to recommend the passage of the accompanying bill.

REPORT

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