

IN SENATE OF THE UNITED STATES.

MAY 13, 1850.

Submitted, and ordered to be printed.

Mr. SEBASTIAN made the following

REPORT:

[To accompany bill S. No. 227.]

*The Committee on Indian Affairs, to whom was referred the memorial of Thomas Snodgrass, asking reimbursement of certain expenses, have had the same under consideration, and beg leave to report:*

That in June, 1838, General Nat. Smith, then in charge of a party of emigrating Cherokees as emigrating agent, under the escort of Captain Drain, United States army, found that the Indians had become restless, dissatisfied, and disposed to desert, and otherwise manifested a spirit of mutiny and insubordination, and a disposition to commit depredations upon the country through which they were passing. Finding the escort of Captain Drain insufficient to restrain them, General Smith engaged the memorialist to raise a company of mounted volunteers, of thirty men, and promised that on condition that Captain Snodgrass would look to the United States for the pay of the men, he, General Smith, would defray the other expenses, and risk the chance of their reimbursement. With this understanding, the company was raised and mustered into service for thirty days, to assist Captain Drain, as guard from Bellefonte to Waterloo, in the State of Alabama. In default of Smith, who failed to provide funds, Captain Snodgrass, as he alleges, incurred the following expenses:

A team and baggage-wagon, at \$5 per day, for thirty days	-	\$150 00
Forage for team, and other horses	-	260 25
■istence for the men	-	186 00
Cash advanced, being \$5 to each man, to defray expenses of return home	-	145 00
		741 25

To defray these expenses, Capt. Snodgrass was compelled to obtain the amount of \$625 from W. Smith, a brother of the agent, who took the obligation of Captain Snodgrass for this sum, payable when an appropriation should be made by Congress. Memorialist has since been sued upon this obligation, and judgment obtained, 28th November, 1848, for the amount of \$1,143 66 and costs, in the district court of the United States for northern Alabama. To obtain relief to the amount of this judgment upon the foregoing state of facts, is the object of the memorialist.

He further states that an appropriation was made to defray the expenses of this company in 1840, but that in disbursing the amount "regard seems to have been had almost exclusively to the pay of the members of said company, and little or nothing was then allowed by the accounting officers for transportation, forage and subsistence."

The basis of the appropriation of \$1,126 57, made in 1840, "to defray the expenses of calling into service Captain Snodgrass's company of Alabama volunteers, to serve as a guard in accompanying a party of emigrating Cherokees from Bellefonte to Waterloo, in the State of Alabama," (see act of 1840, 21st July, Private Laws, page 815,) was furnished by the Paymaster's department, and fully embraced the allowance of forage, subsistence, clothing, pay, and *per diem* for use of horse, ammunition and arms. In making these disbursements, Captain Snodgrass received the sums due to himself and nineteen others, and John Snodgrass received for four others, and with Captain Snodgrass, through power of attorney to them, jointly receipted for the amount of \$839 79. Of the original appropriation there remains the sum of \$137 79, which has been carried to the surplus fund. Of the amount which was thus paid through Captain Snodgrass, \$253 50 was allowed for *forage and subsistence*; and as there is no satisfactory proof of the actual amount expended by Captain Snodgrass, the committee adopt this as the basis, which for the whole company would be \$298 50, instead of the amount of \$446 25 claimed in the memorial, leaving an unpaid balance in his favor of \$45, for forage and subsistence. Nothing was estimated or paid under this appropriation for either transportation or return expenses. The first is properly a legitimate charge; the other is unwarranted by any law then in existence, and must be regarded as a general loan or advance of that amount to each soldier, which Captain Snodgrass ought to and probably did retain out of the amount received for those of his company whom he represented. The payment of this amount advanced to six members of the company whom he did not represent, is unwarranted by just principles, and would establish the obligation of the government to pass by its immediate creditor and adjust equities between him and his creditor. To state the claim in its most favorable aspect, it would stand thus:

Team for transportation of baggage	-	-	-	\$150 00
Balance due for forage and subsistence	-	-	-	45 00
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				195 00
Interest for three years, from June, 1838, to June, 1841	-			35 00
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				230 00
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Interest since 1841, should cease, as Captain Snodgrass then knew, and did not either complain of the deficiency or make any application for relief until the last session of Congress. His long silence, indeed, seems to go far to discredit the whole claim. The committee, however, unwilling to deal harshly upon inferences, however well founded, report the accompanying bill.