

6-15-1836

## Richard Hathaway, James Flinn and Mary Hubbell

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### Recommended Citation

H.R. Rep. No. 768, 24th Cong., 1st Sess. (1836)

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RICHARD HATHAWAY, JAMES FLINN AND MARY HUBBELL.

JUNE 15, 1836.

Read, and laid upon the table.

Mr. E. WHITTLESEY, from the Committee of Claims, made the following

REPORT :

*The Committee of Claims, to which was referred the petition of Richard Hathaway; also the petition of William Flinn; also the petition of Mary Hubbell, executrix of James Flinn, report :*

That the petitioners, Richard Hathaway and William Flinn, and the decedent James Flinn, were in the service of the United States, in the year 1812, in a company of rangers commanded by Captain William Perry. It is stated in the petitions, that said persons, in October, 1812, in a campaign up the Illinois river, against the Kickapoo Indians, lost their horses in the night season. They supposed it was most probable they were taken by the Indians.

The testimony of Captain Perry is not procured, nor is its absence accounted for.

Richard Hathaway and William Flinn, testify to the loss of their own horses, and each of them, and also, to the loss of the horse of James Flinn.

William Houston testifies to the loss of all three of the horses. He says he was a member of the company of rangers commanded by Captain Perry; but he does not state whether he was with the company at that time or not.

The cases being of a similar character in all particulars, they are considered together.

In all of the cases of losses, the testimony of the officer commanding has been required, or its absence accounted for. The committee do not consider this of any importance in these cases, because if the facts were established by the best evidence the nature of the case would admit, still the petitioners would not be entitled to relief. The corps of rangers received the compensation of a dollar a day, for their services, the use, and risk of their horses; their forage, and equipments. Such, so far as the committee recollect and believe, has been the uniform decision of the accounting officers, and of Congress. The committee is not disposed to depart from the contract between the parties, nor from the decisions in other similar cases.

The following resolution is submitted :

*Resolved,* That the petitioners are not entitled to relief.