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6-15-1836

James Baker

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### Recommended Citation

H.R. Rep. No. 769, 24th Cong., 1st Sess. (1836)

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JAMES BAKER.

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JUNE 15, 1836.

Read, and laid upon the table.

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

REPORT :

*The Committee of Claims, to which was recommitted the report of the committee made in the case of James Baker, on the 3d of March, 1836, report :*

That the committee in that report having noticed that the claim was first presented to Mr. Hagner for two horses at the value of two hundred dollars, and afterwards for three horses at the value of three hundred dollars, and now for two horses at two hundred dollars, and an alteration of the papers to correspond with the different changes. The Hon. Mr. May requested the recommitment of the report, to submit to the committee a letter he had received from Mr. Baker, in answer to one Mr. May wrote to him, asking an explanation of the different alterations of the account.

The letter is before the committee, and is satisfactory as to the motives which governed Mr. Baker in making the alterations.

It would, however, have been more correct and prudent in him to have made out new papers than to have altered those in existence.

The committee annex a copy of the said letter to be printed herewith, and to be annexed with the former report numbered 414.

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SANGAMON COUNTY, ILLINOIS,  
February 1, 1835.

DEAR SIR : After my respects to you, I have received yours informing me of the nature and effect of the change in my account. I will here give the explanation. One of the horses, some days after he was taken from the wagon, was put in the care of an individual whose horse had given out ; and when we crossed the Ouisconsin the man was in bad health, and before we returned he obtained a furlough and went home, and took the horse with him to the south part of the State, and left word that he would either return the horse or pay for hire ; therefore, by the promise of Mr. Plater that the man would certainly do so, I did not put him in the account at first ; but the man failed to comply with his promise. I called on Mr. Plater for my pay, and he said that I must put it in my account against the

Government, and if the Government would not pay it, that he would, as it was justice that I should be paid for my horse. Therefore it was put in the account after it had been exhibited and presented for payment. I have just returned home from Mr. Plater's; he has himself agreed to pay me for the horse that the additional hundreded dollars was added for. Therefore I do withdraw [that claim of the additional hundred dollars, and present it at its former amount, two hundred dollars. This explanation I hope will be satisfactory, and will enable you to explain the case to Mr. Hagner satisfactorily; therefore, we concluded it unnecessary to make a new account as it would amount only to the same thing in the end.

I hope that you will do me the favor to attend to this matter for me. I enclose the account and other papers with it as before.

Our Legislature is engaged in making some arrangements in regard to the canal from Chicago to the Illinois river, and many other acts of more local nature. I hope these lines may find you in good health.

Yours, respectfully,

JAMES BAKER.

WILLIAM L. MAY.

MARCH 3, 1836.

*The Committee of Claims, to which was referred the petition of James Baker, report:*

That the petitioner, in June, 1832, entered the military service of the United States, two horses, with their harness, and a wagon, to haul the baggage of the Illinois militia from Fort Wilbourn to wherever the said militia might be ordered to put down Indian depredations. That he proceeded with said militia under the immediate command of Brig. General Henry, until the 19th of July, 1832, when General Henry ordered the wagons and harness to be left at the rapids of Rock river, and the horses taken to pursue the Indians by a forced march, they then being on the retreat. That in consequence of such order, the wagon and double harness of the petitioner were left at the rapids of Rock river, and one horse, the property of the petitioner, was taken for packing the baggage of those who went in pursuit of said Indians.

The petitioner makes oath that he has not received said wagon and horse since, and that he has not received any compensation for them.

These facts are established by a copy of the general order, signed by H. Johnson, aid-de-camp to General Henry, issued in obedience to the order of General Henry. These documents were obtained by the committee from the Third Auditor. There is the testimony of Isaac Plastins, who was quartermaster to the brigade, which accompanies the petition, that proves the material facts in the case. He says the wagon was valued at one hundred dollars, and the horse at one hundred dollars. The property, he says, was appraised by two men selected for that purpose. The horse was used as a pack-horse until he was unfit for further service, and was abandoned by the officer having him in charge.

It appears by the extract of a letter from Mr. Hagner to Major Brant, dated the 2d of April, 1834, that the claim was presented to him for settle-

ment on that day, and that he decided there were no funds out of which he could pay the claim, nor could he allow it under the then existing laws.

It appears by the copy of a letter from Mr. Hagner to the honorable Wm. L. May, dated 8th of December, 1834, that Mr. May presented the papers again on the 4th of the same month. Mr. Hagner in that letter says: "It appears by a copy of a letter from me to Major Brant, amongst the papers, the claim has been previously presented at this office. At that time payment was sought for but one horse and the wagon and harness. Now, by alterations and interlineations, the claim and testimony are made to extend to two horses, as well as the wagon and harness."

The papers have again been altered so as to be as they were originally made out, but the alterations referred to by Mr. Hagner are quite plain.

The committee has no means of ascertaining who made the alterations, but it does not feel authorized to reject a claim for the loss of one horse and a wagon, established by unquestionable testimony, because some one has been base enough to forge papers to enlarge the claim. Whoever was guilty of the offence ought to be punished criminally; but the United States would not deal justly if they withheld payment because the criminal laws were violated.

The committee report a bill for the loss of one horse and the wagon and harness.

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(Copy.)

CAMP AT THE RAPIDS OF ROCK RIVER,  
10 o'clock at night, July 19, 1832.

General Order No. 27.

In consequence of information received that the hostile band of Sac Indians is now in full retreat from the upper rapids of Rock river, southwest towards the Mississippi, it is ordered that the troops under my command, now at the camp, prepare for immediate pursuit of said enemy by a forced march; that they abandon all the wagons, harness, and other cumbersome articles, provisions excepted. It is further ordered that the wagon horses be taken possession of by the quartermaster of the brigade, and used for pack-horses; and that the said quartermaster appoint suitable persons to appraise all property so left, at a fair valuation, and make an immediate return thereof to him in writing, and that he keep a record thereof. It is further ordered that the troops be ready to march by 4 o'clock to-morrow morning. By order of Brigadier General Henry.

N. H. JOHNSTON,  
*Aid-de-camp.*  
J. B. BRANT, Q. M.

A true copy.

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I certify that James Baker's wagon and team was employed hauling subsistence stores, &c. for the use of the 4th regiment of Illinois volunteers, in the service of the United States, from Springfield to Fort Wilbourn; thence to Davidson's ferry; thence to Kosh Kornong; thence to Fort Winnebago;

and thence to the rapids of Rock river, where he was ordered by me to abandon his wagon and harness in order to pursue the Indians with greater celerity. The above service commenced on the 6th of June, and ended on the 1st of August, 1832, allowing a reasonable time to return to his home, being in all fifty-seven days.

J. D. HENRY,  
*Brig. Gen. then comman'g 3d brigade.*

NOTE.—In relation to so much of the above as charges for service from Springfield to Fort Wilbourn, I have no personal knowledge, but am well satisfied in my own mind that the service was rendered.

J. D. HENRY,  
*Brig. Gen. then comman'g 3d brigade.*