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William Christy

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WILLIAM CHRISTY.

[To accompany bill H. R. No. 277.]

FEBRUARY 4, 1836.

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

REPORT:

*The Committee of Claims to which was referred the petition of William Christy, report,*

That the petitioner during the last war, when about the age of twenty years, and an orphan, abandoned his study of the law and joined the north-western army, then under the command of General Harrison, as a volunteer. He did not belong to any corps, but offered his services to be disposed of as the commanding general should think would best advance the interests of the country. General Harrison assigned to him the duties of military storekeeper, which he says were very arduous, during, and after the siege of Fort Meigs, and were discharged by the petitioner with great zeal and fidelity. General Harrison, in a letter addressed to Colonel R. M. Johnson, on the 31st of October, 1834, gives the following account of Mr. Christy's military services. "But these peaceful labors were not calculated to satisfy his chivalrous spirit, and the ardent thirst for military fame which had induced him to abandon his studies and assume the military habit. Every moment which he could spare from the care and distribution of the public stores, was employed upon the lines, where he often exposed himself to the enemy's fire from his desire to retaliate upon them with his rifle. It was, however, on the eventful 5th of May, that an occasion was presented to him to distinguish himself in a manner more to his taste, by a close conflict with the enemy. A sortie having been ordered to dislodge the enemy from their position on our right flank, composed of regular troops and twelve month's volunteers, I commanded a company of Kentucky riflemen, commanded by Captain Sebree, to join the detachment to cover its right flank in the attack of the British batteries. In its advance this company fell in with the mass of the Indian force commanded by Tecumseh. In the conflict that ensued it was surrounded by the Indians, and was forced to divide itself, one part pursuing the enemy to the front, whilst the other, under the command of Christy, faced about and engaged the Indians in the rear. This gallant little band, were, however, soon overpowered, and all but two and its heroic leader killed; with these two, himself slightly wounded, Christy broke through the enemy's line and joined the regular troops."

He so distinguished himself afterwards on the same day, under the command of Lieut. Gwynne, who commanded a company in the 19th regiment, that General Harrison recommended him to the Executive, and he received the appointment of second lieutenant in the army.

Mr. Hagner states, it appears from the army register, that Mr. Christy's commission bears date the 19th of April, 1814, and that it does not appear he received any compensation before that period.

The day he joined the army does not appear with absolute certainty; General Harrison says it was in the month of April, 1813. The committee requested the Secretary of War to state, whether it appeared on the rolls of the army, that Mr. Christy was in the military service of the United States before the date of his commission, and what compensation was given to his grade or rank. The letter of Mr. Hagner, referred to above, informs the committee, that it does not appear from the rolls of the army, that Mr. Christy was in the military service at the time spoken of by General Harrison, and that it was not usual at that time to bear on the rolls the names of the military storekeepers. He says, the compensation, under the act of March 3, 1813, was fixed by the Secretary of War, in the northwestern army, at forty-two dollars per month for a military storekeeper, subsisting himself, which was equal to thirty dollars per month and two rations per day.

Although the petitioner has not specifically asked to be compensated for this year of voluntary servitude, the committee think the ardour of youth, in tendering such services gratuitously, should not prevent the country from making a just and legal recompense. In drafting the bill, the committee will incorporate a provision, directing the accounting officers of the Treasury, to allow the petitioner the pay and emoluments of military storekeeper for one year, to be applied on the judgment hereafter mentioned.

The petitioner mentions his services on the lines in the northern part of New York, in arresting the smuggling of goods from Canada, during the portion of the summer of 1814, of the seizures he made, of the suits that were commenced against him for false imprisonment and assault and battery, for which, he says, he was entitled to extra pay, and to a certain portion of the proceeds of all the goods seized and condemned, but before any civil proceedings were had against the property seized, he was ordered to New Orleans to join the 1st regiment of United States infantry, to which he was attached under the arrangement for the peace establishment.

Of these services, and of the goods seized, libelled or condemned, there is no evidence. The petitioner was appointed paymaster of his regiment; and he says, on his way to New Orleans, while in Kentucky, he executed a bond, and on his arrival at New Orleans, executed and forwarded to the pay department another bond, for the faithful accounting for the money that might be placed in his hands, and for the discharge of his duties according to law. He received twenty thousand dollars, and was paying off his regiment, when he was informed his office of paymaster was abrogated. He says he had paid out about eight thousand dollars. He obtained permission of General Jackson to come to Washington to attend to the settlement of his accounts and to obtain an explanation for the abrupt manner in which he had been dismissed. The Paymaster General left Washington the next day, and he was not able to obtain any satisfaction, nor did he have an opportunity to settle his accounts. Being disgusted with the service, on account of the ill treatment he had suffered, he tendered his commission in the line, with the understanding his accounts were to be made up in Kentucky, and the balance found due from him, paid over in New Orleans; where he had received and left it. He says he proceeded to Kentucky, made up his accounts, and forwarded them to the pay department, and promised to pay over the

balance, about \$12,000, on his arrival in New Orleans; but as soon as his accounts were received, and before they were audited, an order was issued for a suit to be brought against him in Kentucky and against his sureties. He heard of the institution of the suit on his way to New Orleans, when he left the boat, returned to Frankfort, and delivered himself up to the marshal, and was permitted to prosecute his journey, on giving bonds for defending the suit with George M. Bibb, esq. his surety. He went to New Orleans, and made arrangements to establish himself as a commission merchant, when he was arrested in a second suit, as were his second sureties on the second bond to recover the same balance on which the first suit was commenced.

He here mentions he fell into the hands of injudicious friends, who advised him not to pay the money over until some reparation should be made to him. To this advice he at length yielded, and his friends took the money and died insolvent.

It appears from a communication from Mr. Maxcy, Solicitor of the Treasury, that the suit against Mr. Christy and his sureties, was commenced on the 23d of December, 1816, for the recovery of \$12,423 12, of which \$3,423 12 was paid in the year 1818; that the final hearing was not had until December term, 1827, when a judgment was rendered against the petitioner for \$9,000 with interest from the 27th of February 1816. His sureties were discharged on the verdict of a jury at the December term, 1826. The district attorney reported that Mr. Christy was insolvent in 1828; since then no part of the money has been collected. It is under these circumstances relief is asked.

The committee understood from a verbal conversation with the member who presented the petition, that Mr. Christy, by the aid of his friends, would pay the principal, if indulgence could be granted to him, and he could receive an assurance that the interest would be relinquished.

A letter was accordingly addressed to the Secretary of the Treasury on the 9th of January, 1836, requesting him to inform the committee, taking all the circumstances of the case into consideration, the situation of the party, and the influence a relinquishment of the interest might have on other debts due the United States, whether, in his opinion, it would be expedient to relinquish the interest, if an arrangement could thereby be effected, and the principal secured. The Secretary in reply says:

“I have the honor herewith to transmit to you a report from the Solicitor of the Treasury in relation to the judgment against William Christy. On the facts stated in this report, the Department thinks, it would be an advantageous arrangement to obtain the principal of the debt.”

The committee will not comment on the treatment the petitioner received in the abrogation of his staff appointment, and in being twice arrested for the same debt, and held to bail in two actions at the same time, farther than to remark, it was not the best calculated to conciliate the feelings of an ardent young man who had voluntarily devoted a year of his life in the service of his country without rank and without reward.

In coming to a decision in this case, the committee, take all the circumstances of it into consideration, and by recommending the relinquishment of the interest, it would not be considered as pledged to do it in any other case, where the circumstances were not in all essential particulars similar to those now presented.

The committee report herewith a bill.