

University of Oklahoma College of Law
University of Oklahoma College of Law Digital Commons

American Indian and Alaskan Native Documents in the Congressional Serial Set: 1817-1899

12-14-1837

James Baker

Follow this and additional works at: <https://digitalcommons.law.ou.edu/indianserialset>



Part of the [Indian and Aboriginal Law Commons](#)

Recommended Citation

H.R. Rep. No. 16, 25th Cong., 2nd Sess. (1837)

This House Report is brought to you for free and open access by University of Oklahoma College of Law Digital Commons. It has been accepted for inclusion in American Indian and Alaskan Native Documents in the Congressional Serial Set: 1817-1899 by an authorized administrator of University of Oklahoma College of Law Digital Commons. For more information, please contact darinfox@ou.edu.

JAMES BAKER.

[To accompany bill H. R. No. 28.]

DECEMBER 14, 1837.—Reprinted.

MARCH 3, 1836.

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

REPORT:

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

That the petitioner, in June, 1832, entered, in 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 Brigadier 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. Johnston, 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 settlement 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 William 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.

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*.

A true copy.

J. B. BRANT, *Q. M.*

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 Davison'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 commanding 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 commanding 3d brigade.