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James W. Andersons

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JAMES W. ANDERSON.

APRIL 24, 1840.

Read, and laid upon the table.

Mr. RUSSELL, from the Committee of Claims, submitted the following

REPORT :

The Committee of Claims, to whom was referred the petition of James W. Anderson, asking compensation for a horse lost in 1832, while in the military service of the United States, make the following report :

It is stated that the petitioner was a soldier in a company of United States mounted rangers, commanded by Captain Lemuel Ford, in the year 1832, and was possessed of a mare worth sixty-five dollars. On the march of the company from Charleston to Galena, in the State of Illinois, they encamped on the night of the 9th of August, 1832, at Hickory creek block-house, and the mare was turned out to graze by the order of Lieutenant John Gibson, who commanded the company, Captain Ford being absent. She was frightened away and lost, and was supposed to have fallen into the possession of the Indians. It does not appear with certainty for what reason the mare was turned out to graze, but it is presumed it was for want of forage. Anderson was again remounted, at his own expense. Captain Ford's and Lieutenant Gibson's certificates accompany the papers, and support the above allegations. The documents by which the above allegations are established are not sufficiently authenticated, and, in other respects, are informal and insufficient; but if otherwise, the claim, as stated, cannot be sustained. In 1833 the Committee of Claims had under consideration the claims of the mounted rangers in Captain Ford's company, and reported thereon, from which the following extracts are taken :

"The committee are informed that the rangers who entered the service of the United States, by virtue of the act of June 15, 1832, agreed they would furnish their own forage; and therefore, when the loss of the horse was directly or indirectly owing to the want of forage, they have not been remunerated for such loss."

"The third section of that act provided that the rangers should arm and equip themselves (unless otherwise ordered by the President) and provide their own horses, and should be allowed each one dollar per day, as a full compensation for their services and the use of their arms and horses."

"By the first section, they were to be armed and equipped, mounted and organized, in such manner, and to be under such regulations and restrictions, as the nature of the service might, in the opinion of the President, make necessary."

"The corps were to be raised for the defence of the frontiers, where it was known the United States could not furnish forage. One entire sum

was to be given for the service of man and horse, and is almost fourfold the amount paid to a man who did duty on foot."

"In order that there should not be any misunderstanding on this subject, or any ground for cavilling, the Secretary of War, under the President of the United States, in issuing orders for raising the rangers, expressly stated: 'Rations will be furnished to the men at the expense of the United States; but forage will be found by themselves, or, if provided by the United States, will be charged to the men.'"

These extracts embrace the case under consideration, from which it is evident that a new principle must be established by the legislation of Congress before this claim can be sustained; and after the lines of discrimination, which have been so long and so clearly drawn, between the obligations of the Government and those of mounted soldiers, and with such entire uniformity, the committee apprehend that it would neither be just nor discreet now to adopt new regulations, changing their rights and responsibilities, for the settlement of claims of this description. The committee, therefore, offer for the consideration of the House the following resolution:

Resolved, That the prayer of the petitioner ought not to be granted.

It is stated that the petitioner was a soldier in a company of United States mounted rangers, contracted for by the Government, in the year 1832, and was promoted to a sergeant within six months. On the night of the 10th of August, 1832, he was ordered to march with the company from Lexington to Galena, in the State of Illinois, they marched on the night of the 10th of August, 1832, in military order, and the terms were turned out to march by the order of Lieutenant John Johnson, who commanded the company. Captain Ford had been sent to the front and was supposed to have fallen into the possession of the Indians. It does not appear with certainty in what way the terms were turned out to march, but it is presumed it was by way of forage. Another way again mentioned, as his own report, Captain Ford and Lieutenant Johnson's certificates accompany the papers, and support the above allegations. The documents by which the above allegations are established are not entirely satisfactory, and in other respects are imperfect; but it otherwise the claim is stated to have been sustained. In 1833 the Committee of Claims had under consideration the claim of the mounted ranger, in Captain Ford's company, and reported therefrom, from which the following extracts are taken:

"The committee are informed that the terms, who entered the service of the United States by contract of the 10th of June, 1832, agreed that they would furnish their own forage; and therefore, when the loss of the horses was directly or indirectly owing to the want of forage, they have not been remunerated for such loss."

"The third section of that act provided that the rangers should furnish their own forage, unless otherwise ordered by the President; and provided that their own horses should be allowed each and every day, as a full compensation for their services and the use of their arms and horses."

"By the first section, they were to be armed and equipped, mounted and exercised in field tactics, and to be under such regulations and restrictions as the nature of the service might, in the opinion of the President, make necessary."

"The report went on to state that the expense of the rangers, while it was known the United States could not furnish forage. One entire sum was to be paid for the forage of the rangers."