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John L. Scott

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H.R. Rep. No. 658, 26th Cong., 1st Sess. (1840)

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JOHN L. SCOTT.

[To accompany bill S. No. 143.]

JULY 10, 1840.

Read, and, with the bill, committed to a Committee of the Whole House to-morrow.

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

REPORT :

The Committee of Claims, to whom was referred a bill from the Senate (No. 143) entitled "An act for the relief of John L. Scott," make the following report :

The bill provides "that there be allowed and paid to John L. Scott, of the county of Schuyler, and State of Illinois, out of any money in the Treasury not otherwise appropriated, the sum of twenty dollars, the value of a rifle-gun furnished by him for the use of Captain Charles Rall's company of Illinois mounted volunteers, during the war with the Sac and Fox Indians on the northwestern frontier, in the year 1832; and which was not returned to him, but subsequently appropriated to the use of the United States."

There is no report accompanying the bill from the Senate; it appears to have been introduced there on notice, and, by order of the Senate, referred to the Committee of Claims in that body; and, on the 4th February, 1840, it was reported back to the Senate by that committee, without amendment. The documents herewith presented accompany the bill. Captain William C. Rall says that he commanded a company of mounted volunteers from the county of Schuyler, in the State of Illinois, in the campaign against the Sac and Fox Indians, in the year 1832, in a brigade commanded by Samuel Whitesides; that he applied to Cyrus Edwards, quartermaster general, for arms for the use of his company, when he was told that he had no public arms; but he gave an order to purchase arms from private individuals, upon which order he procured a sufficient number to equip his company; that after the army was mustered out of service at Ottaway, he was called on by the quartermaster general for all the arms which he had procured on his order, for the purpose of distributing them to other soldiers then arriving on a second campaign; that said arms were surrendered to the quartermaster general, and were actually distributed for the use of the Government; that there are three rifle-guns yet remaining unpaid for, to wit: two received from John Richey, shot pouches, &c., which guns and pouches were valued at \$20 each; and one from John L. Scott, which was valued at \$20; and upon this testimony the claim in question rests. The affidavit of Captain Rall was made on the 6th day of December, 1837, five years after the occurrence to which he refers took place, and when probably an account or memor-

andum was kept by the quartermaster, at whose instance the rifles were procured and furnished to the soldiers, specifying when they were procured, from whom obtained, and to whom delivered, especially if they went into the public service; and, in conformity with general usage, a receipt must have been given to the owner. By referring to the accounts of Major Brant, returned to the department, who was the disbursing officer in the quartermaster's department during the campaign of 1832, it is found that, in some instances, payments were made by him for rifles, &c., received from the owners for the use of volunteers, and that, in these instances, the arms were delivered to Captain Rall. When payments were made, it was on the production of the certificates issued at the time the arms were received; and the presumption is irresistible, that in all cases where arms were so procured, certificates were issued to the owners. These certificates ought to be produced, or some account given of them; or the presumption which arises from the facts in this case overcome by proof that, in this particular case, no such certificate was given. No application appears to have been made for payment until the expiration of five years. Why this delay? why was not payment demanded at the time from Major Brant, who was on the spot, with funds to meet any emergency of the kind? In the absence of other proof than is now presented, the committee apprehend that the presumption may well be indulged that the claimant was paid for the rifle, or that it was returned to him, and the vouchers which he received for it taken up. It certainly is in the power of the applicant to explain how this matter is; and, until such explanation is given, the committee are of opinion that the bill should not pass. With these views, they recommend that the bill be rejected.