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James B. McCutchen

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H.R. Rep. No. 749, 29th Cong., 1st Sess. (1846)

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JAMES B. McCUTCHEM.

JUNE 17, 1846.

Read, and laid upon the table.

Mr. GORDON, from the Committee of Claims, made the following

REPORT :

The Committee of Claims, to whom was referred the petition of James B. McCutchen, report :

That claims of this character, if properly proved, would have been paid at the time of their creation, if they had been presented to the accounting officers of the treasury. Thirty-four years have elapsed, and now, when most of the actors in the transaction are dead, and without any explanation of the cause of the delay in presenting the claim, if it is really a good one, it is presented to Congress for payment. The petition is annexed, and the following resolution offered for the consideration of the House :

Resolved, That the prayer of the petitioner be rejected.

To the honorable the members of the twenty-ninth Congress, in Congress assembled :

The undersigned, memorialist, would respectfully represent to your honors, that in or about the month of October, 1812, your memorialist resided on or near to Busseron creek, in what now forms Sullivan county, and State of Indiana, and in the year 1812 formed a part of what was then called the Indiana Territory ; that in or about the said month of October, in the year 1812, General Hopkins, who commanded a portion of the then forces of the United States, was passing up the river Wabash to encounter the Indians in the north ; that he, the said General Hopkins, in his marches up the Wabash, stopped and encamped with the forces under his command near where your memorialist then resided, in and about the space of two weeks ; that General Hopkins had his headquarters, with the main body of the army, at the upper end of Shaker prairie, about four miles distant from where your memorialist was attending to a grist-mill upon Busseron creek, and that General Hopkins despatched from the main encampment, on Shaker prairie, two companies of dragoons, commanded by Joseph Allen and William Kellar, captains, up to where your memorialist resided, on Busseron creek ; that those two companies encamped for about two weeks upon the farm of your memorialist, at and near

to the mill he was attending to; that Captains Allen and Kellar pressed for themselves and their two companies of dragoons all the wheat, corn, hogs, chickens, and turnips, and burnt a great many of the fence rails of your memorialist. Your memorialist avers that all of the above-named property was taken at the order of the commanding officer; that it was used for the use, benefit, and behoof of the two companies of dragoons above referred to. Your memorialist, on his oath, saith that the articles above referred to were needed for the use of the army, as they were used in the military service; that the army needed them, provisions being exceedingly scarce in the then Indiana Territory; and further, your memorialist states, that the property above referred to was duly appraised by Captains Allen and Kellar at one hundred and seventy-five dollars; and further, your memorialist would state upon his oath, that the evening before the army decamped, whilst they were in much bustle and confusion in preparing to remove, your memorialist called upon the commissary for an order for his money, (having previously thereto handed the appraisement of the property by Captains Allen and Kellar to the commissary;) that, it being late in the evening, the commissary made an error in the order—giving it for 75 cents instead of \$175; that your memorialist the next morning, finding the error in the order, proceeded immediately back to the army; that they were about getting on to march, and would not stop to give your memorialist any satisfaction. Your memorialist would further state, that he has at two different times endeavored to bring his claim before Congress—at one time through John Ewing, in 1832 or 1833, at another time through Hon. John W. Davis—which papers and affidavits must certainly be on file at Washington, unless they have been mislaid. Again, at this session of Congress, your memorialist has endeavored to have those papers taken up and acted upon; and he learns, from a report that has been sent to him, that the Hon. Mr. Hoge, from the Committee of Claims, made a report. That your memorialist had been entirely misapprehended, as the case reported upon by Mr. Hoge was the case of James McCutcheon, another man altogether, who resided in the Indiana Territory, (and who was well known to your honorable Speaker, John W. Davis.) Your memorialist, James B. McCutchen, did at one time make affidavit to the loss of property sustained by the same James McCutcheon whose case Hon. Mr. Hoge reported upon, February 25, 1846. Your memorialist, therefore, prays that your honors may allow him compensation for his loss.

JAMES B. McCUTCHEN.

STATE OF INDIANA, }
Sullivan county, } *sc* :

Before me, William Alsop, an acting justice of the peace in and for said county, personally came James B. McCutchen, who, being by me duly sworn, upon his oath saith, that the foregoing memorial he verily believes to be substantially true; and further, that his wheat, corn, hogs, chickens, and turnips were entirely destroyed, and many of his fence rails burnt; that an order was given for taking of it, by the commanding officer; that it was taken and consumed by the army engaged in the military service of the United States; and further, upon his oath saith, that his property,

as before stated, was duly appraised by Captains Allen and Kellar at \$175; and this affiant further, upon his oath, saith, that he has never received anything for his loss, so sustained; and further this affiant saith not.

JAMES B. McCUTCHEN.

Subscribed and sworn before me, this 25th day of March, 1846.

WM. ALSOP, J. P. [SEAL.]

STATE OF INDIANA, }
Sullivan county, } *scf* :

Before me, William Alsop, a justice of the peace in and for said county, personally came Jonathan Purcell, who, being by me duly sworn, upon his oath saith, that he verily believes all the facts set forth in the foregoing memorial and affidavit to be substantially true; that this affiant resided in the house with James B. McCutchen; that the two companies referred to were encamped on the farm of James B. McCutchen; that the two companies were there about two weeks; that the wheat, corn, hogs, chickens, and turnips of James B. McCutchen were taken and consumed by those two companies, at the instance and order of the commanding officer; and further, that the said property was duly appraised by Captains Allen and Kellar, as this affiant believes, at the sum of \$175; and further this affiant saith not.

JONATHAN PURCELL.

Subscribed and sworn before me, this 25th day of March, 1846.

WM. ALSOP, J. P. [SEAL.]

STATE OF INDIANA, }
Sullivan county, } *scf* :

Before me, William Alsop, a justice of the peace in and for said county, personally came William Ledgerwood, who, by me being duly sworn, upon his oath saith, that he resided near to the residence of James B. McCutchen; that he was at the mill near or adjoining James B. McCutchen's farm almost every day, during the time the two companies of dragoons were encamped upon the farm of James B. McCutchen, which was about two weeks; and this affiant saw the property of James B. McCutchen being used by the two companies, and verily believes it was so taken and used by that portion of the United States troops, at the instance and order of the commanding officer; and this affiant further states, that he was upon the premises of James B. McCutchen when the property taken was duly appraised, the amount of which appraisement this affiant does not now recollect; and this affiant is informed, and verily [believes] it to be true, that James B. McCutchen has never received anything for the property thus taken for the use and benefit of the army, though he has frequently been endeavoring to obtain it; and further this affiant saith not.

WILLIAM LEDGERWOOD.

Subscribed and sworn before me, this 25th day of March, 1846.

WM. ALSOP, J. P. [SEAL.]