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HEIRS OF CAPTAIN ROBERT ORR.

[To accompany Bill H. R. No 922.]

MARCH 9, 1859.—Ordered to be printed.

Mr. FENTON, from the Committee on Private Land Claims, made the following

REPORT.

The Committee on Private Land Claims, to whom was referred the petition of the heirs of Captain Robert Orr, praying for a grant of land, having had the same under consideration, report:

That the State of Virginia, on the 2d day of January, 1781, ceded to the United States, for the benefit of said States, all right, title, and claim which the said State of Virginia had to the territory northwest of the river Ohio, subject to certain conditions annexed to the said deed of cession, which deed of cession, with the conditions annexed, the Congress of the United States accepted. The conditions were as follows:

“That a quantity not exceeding one hundred and fifty thousand acres of land, promised by the State of Virginia, should be allowed and granted to the then Colonel (now General) George Rogers Clark, and to the officers and soldiers of his regiment who marched with him when the posts of Kaskaskias and St. Vincent’s were reduced, and to the officers and soldiers that have since been incorporated into the said regiment, to be laid off in one tract, the length of which not to exceed double the breadth, in such place on the northwest side of the Ohio as a majority of the officers shall choose, and to be afterwards divided among the said officers and soldiers in due proportion, according to the laws of Virginia.”

Your committee further report that it further appears by the affidavits of several credible witnesses that Colonel Archibald Loughrey, from Westmoreland county, in the State of Pennsylvania, in the summer of 1781, raised three companies of volunteers for the purpose of joining the forces of General George Rogers Clark in the expedition against the Mohawk and Seneca Indians, inhabiting the country now belonging to the State of Ohio. That Captain Robert Orr, a resident of Westmoreland county, commanded one of the volunteer companies raised in Westmoreland county, and marched with his company under the command of said Colonel Loughrey to Wheeling, Ohio, expecting to join the forces under the said General Clark; but when they arrived at Wheeling they found General Clark had left that place a few days before they arrived, but had left boats for Colonel Loughrey and his men to follow them. That they took the boats thus left for them,

and somewhere near the mouth of the Big Miami river, Colonel Loughrey and his men landed to cook and eat some food, and were attacked by a large body of Indians, and the said Loughrey and a number of his men were killed and the remainder taken prisoner by the Indians, and never joined the forces under General Clark, as was intended. It further appears from an authentic history called "State Book of Pennsylvania," at page 268, that "Robert Orr, an Irishman by birth, settled in western Pennsylvania in 1773, and, partly at his own expense, raised a volunteer company in 1781, with which he joined General Clark's forces against the Indians on the Ohio. He was wounded and taken in that disastrous expedition, and remained prisoner at Montreal till 1783."

The committee therefore report that, upon the above statement of facts, and according to the principles which governed the committee in the case of the heirs of Colonel Loughrey, at the last session of Congress, that the heirs of the said Captain Orr are entitled to the same quantity of bounty land as if their father had actually joined the forces under General George Rogers Clark.

ARMSTRONG COUNTY, }
State of Pennsylvania. }

Personally appeared before me, the president judge of the court of common pleas in and for said county and State aforesaid, J. E. Meredith and A. Colwell, esqs., who, being sworn according to law, say: That they were well acquainted with Robert Orr, and from report he was in the war of the revolution; that he was taken prisoner by the Indians; his wife is now dead, and that Robert Orr and Chambers Orr are the only surviving children of Captain Robert Orr aforesaid.

J. E. MEREDITH.
 A. COLWELL.

Sworn and subscribed to before me, this 30th day of November, 1858.
 JOS. BUFFINGTON.

I do certify that I am well acquainted with the above witnesses, and know them to be men of truth and veracity:

JOS. BUFFINGTON,
*President Judge of the Tenth Judicial District of Pennsylvania,
 Including the County of Armstrong.*

STATE OF PENNSYLVANIA, }
Armstrong County, } ss.

I, Simon Truby, jr., prothonotary of the court of common pleas in and for said county, do hereby certify that Joseph Buffington, esq., whose name to the foregoing certificate appended, is now, and was at

that time, president judge of the 10th judicial district of Pennsylvania, composed of the counties of Westmoreland, Indiana, and Armstrong.

In testimony whereof I have hereunto set my hand and affixed the seal of our said court, at Kittanning, this 30th day of November, A. D. 1858.

SIMON TRUBY, JR.,
Prothonotary.

PENNSYLVANIA, }
Westmoreland County, } *ss.*

Personally appeared before the subscriber, a justice of the peace in and for said county, James Kean, who, being duly sworn according to law, upon his solemn oath doth depose and say : That some time in the summer of seventeen hundred and eighty one, volunteers were raised in Westmoreland county, Pennsylvania, for the purpose of joining an expedition at that time making against the Mohawk, Seneca, and other tribes of Indians ; that said volunteers were to march in the country now composing the State of Ohio ; that the companies in Westmoreland county were under the command of Colonel Archibald Loughrey, and were composed of upwards of a hundred men under the command of said colonel. This deponent was attached to a company of rangers, under Captain Thomas Stokely ; that they had volunteered to march under the command of General George Rogers Clark on the expedition ; that Colonel Loughrey marched his men to Wheeling, where this deponent understood they were to join General Clark. On the arrival of the troops there they found that General Clark had left three or four days before, but had left four or five boats behind to carry on Colonel Loughrey and his men. From this place Colonel Loughrey sent a messenger (Richie Wallace) after General Clark ; he brought word that Clark would wait for them at the mouth of some creek, the name of which is not remembered by deponent. Colonel Loughrey and his companies embarked in the boats left for them at Wheeling by General Clark, and arrived on that or the next day at the mouth of the creek ; on their way down they took sixteen deserters from the troops of General Clark, and carried them along back. On their arrival at the creek they found General Clark and his troops had left. Colonel Loughrey then proceeded with his men after Clark in the boats. On the 21st or 24th of August, 1781, they landed on the north bank of the Ohio, about ten miles below the mouth of the Big Miami river, for the purpose of cooking some victuals ; the river was then low ; there was a sand-bar that reached into the river from the south side. As they were kindling their fires the Indians commenced an attack from an upper bank. Colonel Loughrey ordered his troops to the boats, to pass over to the sand-bar ; as soon as they embarked and commenced moving over, a large body of Indians rushed from the woods on the bar and prevented a landing or making an escape, when the colonel

ordered us to surrender. There were about thirty men killed in the fight on the side of the whites. Within an hour or two after the fight, this deponent understood Colonel Loughrey was killed by a Shawnee Indian as he was sitting on a log; deponent within that time saw the scalp of the colonel in the hands of an Indian; the peculiar color of the hair caused deponent to know the scalp.

JAMES ^{his} × KEAN.
mark.

Sworn and subscribed before me, this 25th August, 1843.

W McWILLIAMS.

I do certify that I am acquainted with James Kean, the foregoing deponent, and that he is a man of credibility, and that full credit is given to his testimony as such.

Witness my hand and seal this 25th August, A. D. 1843.

W. McWILLIAMS. [L. s.]

STATE OF PENNSYLVANIA, }
Westmoreland County, } ss.

I, David Fullwood, prothonotary of the court of common pleas of the county of Westmoreland, in the commonwealth of Pennsylvania, do hereby certify that W. McWilliams, esq., before whom the foregoing deposition was made, and whose name in his own proper handwriting is to the above certificate appended, was then, and now is, an acting justice of the peace in and for said county of Westmoreland, duly commissioned and appointed, and to all whose official acts and deeds full faith and credit are of right due.

In testimony whereof, I have hereunto set my hand and affixed the seal of said court, at Greensburg, the twenty-fifth day of [L. s.] August, in the year of our Lord one thousand eight hundred and forty-three.

DAVID FULLWOOD,
Prothonotary.

PENNSYLVANIA, }
Armstrong County, } ss.

Personally appeared before the subscriber, a justice of the peace in and for said county, Ezekiel Lewis, a resident of the county of Armstrong, Pennsylvania, who, being duly sworn according to law, upon his solemn oath doth depose and say: That, some time in the summer of seventeen hundred and eighty-one, volunteers were raised in Westmoreland county, Pennsylvania, for the purpose of joining an expedition at that time making against the Mohawk, Seneca, and other tribes of Indians;

that said volunteers were to march in country now composing the State of Ohio; that the companies in Westmoreland were put under the command of Archibald Loughrey, then a resident of Westmoreland county, who commanded said companies as colonel, and was received and acknowledged by them as their colonel in command; the troops rendezvoused on Sewekey or Jacob's swamps, in Westmoreland county; Colonel Loughrey had, when we started from the place of rendezvous, upwards of eighty men; the companies composing Colonel Loughrey's command were commanded by Captains Robert Orr and William Campbell; I was under the command of Captain William Campbell. Deponent says they marched from the place of rendezvous, he thinks, to McKeesport, on the Monongahela, and descended said river to Pittsburg; Captain Stokely joined the command of Colonel Loughrey, same place, before we got to Wheeling, (*don't recollect the place particularly;*) from Pittsburg we travelled by land to Wheeling, where we embarked in boats, and started down the Ohio river to join General Clark; in one or two days we stopped at the mouth of a creek, where we expected to meet with General Clark; when we arrived there, General Clark had gone on down the river; on our way down the river we took some deserters from General Clark's command, and carried them with us; Colonel Loughrey proceeded on down the river, intending to overtake General Clark, until the 24th August, 1781; about 9 or 10 o'clock we landed on the north bank of the Ohio for the purpose of cooking breakfast; we had killed a buffalo the evening before; where we landed was near the mouth of the Big Miami; as we were kindling fires, the Indians commenced an attack upon us; there were about forty of the whites killed, and the rest all taken prisoners, together with Colonel Loughrey and all his officers; in about two hours after we were taken, one of the Indians tomahawked Colonel Loughrey, sitting on a log; I saw him after he was killed, and his scalp was taken off; deponent saith he had been intimately acquainted with Colonel Loughrey for some years before the time of the campaign spoken of; knew he had a wife and some children; does not know how many. And further saith not.

EZEKIEL LEWIS.

Sworn and subscribed before me, 11th March, 1844.

JNO. R. JOHNSTON,
Justice of the Peace.

We do certify that we have been intimately acquainted with Ezekiel Lewis, the foregoing deponent, for the last twenty-five years, and that he is a man of truth and veracity; and that he is so acknowledged in the neighborhood in which he has resided since the time we have been acquainted with him.

Witness my hand and seal, 11th March, 1844.

JNO. R. JOHNSTON, [L. s.]
Justice of the Peace.
ROBERT ORR.

STATE OF PENNSYLVANIA, }
Armstrong county, } *sc.*

I, James Douglass, prothonotary of the court of common pleas in and for said county, do certify that John R. Johnston, esq., before whom the within deposition was taken, was, at the time of taking the same, an acting justice of the peace in and for said county, duly elected, commissioned, and sworn, to all whose official acts, as such, full faith and credit are due and of right ought to be given, as well throughout the county aforesaid as elsewhere; and that his signature thereto is genuine, and in his proper handwriting.

In testimony whereof, I have hereunto set my hand and affixed the [L. s.] seal of said court, at Kittaning, the 11th day of March, in the year of our Lord one thousand eight hundred and forty-four.

J. DOUGLASS, *Prothonotary.*