

5-19-1860

## Report : Petition of R. and C. Orr

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## IN THE SENATE OF THE UNITED STATES.

MAY 19, 1860.—Ordered to be printed.

Mr. JOHNSON, of Arkansas, submitted the following

## REPORT.

*The Committee on Public Lands, to whom was referred the "petition of Robert Orr and Chambers Orr, surviving heirs of Captain Robert Orr, in the expedition of General George Rogers Clark, of Virginia, against the Indians in the now State of Ohio, in 1781, praying the land promised by the laws of Virginia," having had the same under consideration, submit the following report :*

That the papers filed in the case show that the State of Virginia, on the 2d January, 1781, ceded to the United States all the right, title, and claim which the said State had to the territory northwest of the Ohio river, subject to certain conditions annexed to said act of cession, and among said conditions was, "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 (afterwards General) George Rogers Clark and to the officers and soldiers of his regiment." That Colonel Archibald Loughrey raised three companies of volunteers, one of which was Captain Orr's, to join Colonel Clark at Wheeling ; but, on arriving at that place, they found that Colonel Clark and his command had left there, leaving boats for Loughrey and his troops to follow. They embarked, and near the mouth of the Big Miami river, they landed to cook and eat, and whilst so engaged, were attacked by a large body of Indians. Colonel Loughrey and many of his men were killed, and the rest taken prisoners, and none of the command joined Clark. At the last session of Congress Colonel Loughrey's heirs obtained an act of Congress granting them the land to which a Colonel in said expedition would be entitled under the aforesaid cession from the State of Virginia ; and the heirs of Captain Orr now petition for similar compensation for their father's services. Upon the case being referred to your committee, it was referred to the Interior Department, and in reply thereto received the following from the Commissioner of the General Land Office :

"I have the honor to return you herewith the various papers in the case of the application of the 'heirs of Captain Robert Orr for land bounty script,' inclosed in your communication of the 22d instant, addressed to the Secretary of the Interior, and by him referred to this

bureau for answer; and to state, in reply, that this office is not in possession of any facts in the case other than those submitted to the committee.

"No scrip, under existing law, could be issued in the case in question, as *no warrant* has ever been obtained; and whatever grant of land is now made would be as *a donation, a mere gratuity*.

"Had Captain Orr or his representatives presented the claim, under the laws of Virginia, to the proper authorities of that commonwealth, prior to 1st March, 1852, after which time no claim, by her laws, could be legally presented or acted upon, and *proved the service* as coming within the purview of her laws granting bounty land for military services, rendered in the war of the revolution, and obtained '*an allowance*' thereof and '*a warrant*' therefor, scrip could have been issued by this office, under the act of Congress of August 31, 1852, for 4,000 acres, which was the bounty promised a captain in the service of the said State for a three or six years' service, or who was killed or died in the service, or became '*supernumerary*;' but this was not done, and therefore, as before stated, whatever merit the claim may have must be *a matter of mere equity*, and any allowance of land bounty made, a mere gratuity.

"It may also be proper to add, that the case of 'Colonel Archibald Lowry,' which is cited as a precedent for the allowance of this claim, for whose service as a colonel of the regiment in which Robert Orr was captain, scrip was issued by this office, under the special act of Congress of June 5, 1858, was *never referred* to the Department of the Interior, or this office, for an opinion therein *as to its merits*; but, from an examination of the same, as now submitted, it appears that the present case, in its degree, is analogous therewith."

This answer from the Interior Department not being deemed sufficiently full, your committee returned it with the following indorsement:

"This reply does not show what would be the aggregate if, by a general law, all the command of Loughrey were to be allowed bounty land in their full proportion. Let us have the facts."

And in reply thereto your committee received from the Commissioner of the General Land Office the following answer:

"Your *memorandum* of the 10th instant, with accompanying papers in relation to the application of the heirs of 'Captain Robert Orr for land bounty scrip,' has been referred by the Secretary of the Interior to this office for answer.

"I have the honor to inform you, in reply thereto, that we have *no knowledge or information* as to the service of the command of Colonel Archibald Loughrey, other than contained in the papers submitted to the committee, as this office has no '*roll*,' '*return*,' or *other evidence of service* in the case; nor is there, probably, any such in existence, as the so-called regiment—or *skeleton of one*—was *never mustered into service, never having joined General Clark*; and the *archives of Virginia* afford *no information* as to *any service* connected therewith. We are, therefore, unable to respond to your inquiry, as to '*what would be the aggregate if, by a general law, all the command of Loughrey*

were to be allowed bounty in their full proportion,' as it is *not known how many officers, or of what rank and grade, were attached to Loughrey's command.*

"By the land-bounty laws of Virginia the *officers of her service, State or Continental, who served three or six years, or who were killed, or died in service, or became supernumerary, were entitled to the following quantities of land, viz:*

|                             |                            |
|-----------------------------|----------------------------|
| " A lieutenant.....         | 2,666 $\frac{2}{3}$ acres. |
| " A captain.....            | 4,000 acres.               |
| " A major.....              | 5,333 $\frac{1}{3}$ acres. |
| " A lieutenant colonel..... | 6,000 acres.               |
| " A colonel.....            | 6,666 $\frac{2}{3}$ acres. |
| " A brigadier general.....  | 10,000 acres.              |
| " A major general.....      | 15,000 acres.              |

"And *one sixth part of the above amounts additional for every year's service over six years. A soldier serving three years was entitled to 100 acres; serving for the war, 200 acres. For a non-commissioned officer serving three years, 200 acres; for the war, 400 acres. And for the 'Illinois volunteers,' officers and soldiers, 200 acres, as no especial provision was made for the officers in addition to this amount beyond their proportionate share of the 150,000 acres set apart for their benefit.*"

Your committee, therefore, in view of all the facts involved in the case, regard the whole question settled adversely to the claimants by the act of Congress of the 31st August, 1832, and recommend that the petition be rejected.