

6-16-1884

## Report : Claim of H. Hobson

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IN THE SENATE OF THE UNITED STATES.

JUNE 16, 1884.—Ordered to be printed.

MR. CAMERON, of Wisconsin, from the Committee on Claims, submitted the following

REPORT:

[To accompany bill S. 267.]

*The Committee on Claims, to whom was referred the bill (S. 267) for the relief of Hadley Hobson, have considered the same, and submit the following report thereon:*

This claim is for 13,733 $\frac{1}{2}$  pounds of beef alleged to have been sold by the claimant in Marion County, Oregon, February 4, 1856, to "the public authorities in the Oregon and Washington Territory Indian war of 1855 and 1856," at 12 cents a pound.

In 1882 the claim was before this committee, and was referred by the committee to the Secretary of the Treasury for information.

On February 4, 1882, the committee received from the Secretary a certified copy of all the papers on file in his Department relating to the claim. These certified copies of papers are now before the committee, and are the only evidence presented in support of the claim.

The claimant, in his affidavit made before Tilman Ford, a notary public residing at Salem, Oreg., November 16, 1876, states that in February, 1856, at Marion County, Oregon, he sold and delivered to the War Department of the United States, through its agent, Peter Bilyen, to be used by the Army in the Rogue River Indian war of that year, beef cattle of the weight in all of 13,733 $\frac{1}{2}$  pounds of beef, at 12 cents per pound, which amounted to \$1,648, and that he obtained a voucher from the War Department therefor; that he gave the said voucher to General M. M. MacCarver, on the 11th day of July, 1861, for the purpose of having him collect the same for claimant from the United States. That MacCarver has since died, and that no part of the voucher has been paid. That MacCarver informed claimant that he sent the voucher for collection to a man named Young, residing at Washington, and that he has not since been able to obtain the voucher or any information concerning it.

Peter Bilyen, in his affidavit, bearing even date with claimant's affidavit, and made before the same notary public, states that in February, 1856, he was in the employ of General M. M. MacCarver, commissary-general for the Territory of Oregon, to purchase beef cattle to supply the Army during the war with the Rogue River Indians, and as such employé he purchased of claimant the said amount of beef at the price per pound named by claimant. That he turned the cattle over to the Army, and gave claimant a voucher for the amount.

In 1858 a military commission was created to hear evidence in support of and to report upon all claims arising out of the said Indian war. This commission sat at Salem, the capital of Oregon. A large number of claims were presented to this commission, and its report was duly

made to the Secretary of War, but no claim was presented by Hobson. Hobson then resided in Marion County, the county in which Salem is situate and in which the claim is alleged to have arisen. It is probable that Hobson knew of the appointment of said commission, and of the time and place, when and where the commission sat. No reason or excuse is given why the claim was not presented to the commission.

On the 8th of February, 1859, the House of Representatives adopted a resolution making it the duty of the Third Auditor of the Treasury to examine the vouchers and papers relating to the claims arising out of said Indian war then on file in his office, and make a report to the House thereon by the first Monday of December then next, of the amount respectively due to each individual, &c. This report was duly made, but no sum was reported as due to Hobson. Up to that time the claim had not been presented to the military commission, to the Third Auditor, or to any officer or authority.

March 2, 1861, Congress passed an act entitled "An act to provide for the payment of the expenses incurred by the Territories of Oregon and Washington in the suppression of Indian hostilities therein in the years 1855 and 1856.

On the 11th of July, 1861, Hobson delivered to said General M. M. McCarver, for collection, a voucher dated Jacksonville, Oreg., March 29, 1856, given by James R. Peters, assistant quartermaster-general, to Phillip Mulkey for 3,840 pounds of hay, at 7 cents a pound, amounting to \$288.

This voucher had been purchased by Hobson from Mulkey at 60 cents on a dollar.

At the time of the delivery of the voucher above mentioned, Hobson delivered another voucher to General McCarver, bearing date at Salem, Oreg., February 4, 1856, given by McCarver himself, as commissary-general of Oregon, to Hobson, for twenty-two head of beef cattle, weighing 13,733½ pounds, at 12 cents a pound, amounting to \$1,648. Hobson gave R. M. Young, of Washington, D. C., a power of attorney to collect both said vouchers. Young presented them to Treasury Department, and the smaller claim was allowed at \$84, and the larger one was rejected. The smaller claim had been presented to the military commission, filed with the Third Auditor, and reported by him to the House of Representatives.

This claim for beef cattle was rejected by the Treasury Department in 1861.

Nothing more is heard of the claim until 1878. On the 29th of April, 1878, Tilman Ford, a lawyer residing at Salem, Oreg., sent the claim to Hon. Richard Williams, at Washington. Mr. Williams was then a member of the House of Representatives from Oregon.

After this it was again presented to the Treasury Department, and on the 12th of December, 1880, was again rejected by the Third Auditor.

The voucher given by McCarver to Hobson purports to have been issued in triplicate, while but one copy was presented to the Treasury Department. The other copies are entirely unaccounted for. General McCarver, who was the proper certifying officer, did not take up on his returns any beef cattle as purchased from claimant.

The evidence in support of this claim is so weak—the claim has been twice rejected by the Treasury Department—and it is surrounded by so many suspicious circumstances, that we do not feel justified in reporting in favor of it. We therefore recommend that the claim be disallowed and the bill indefinitely postponed.