6-24-1886

Letter from the Secretary of War, transmitting, in response to Senate resolution of June 9, 1886, papers relating to the claim of William J. Martin.

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LETTER
FROM
THE SECRETARY OF WAR,
TRANSMITTING,
In response to Senate resolution of June 9, 1886, papers relating to the claim of William J. Martin.

JUNE 24, 1886.—Referred to the Committee on Claims and ordered to be printed.

WAR DEPARTMENT,
Washington City, June 22, 1886.

SIR: In compliance with the resolution of the Senate of the 9th instant, I have the honor to transmit copies of papers in the claim of William J. Martin, for balance alleged to be due under an alleged contract for beef cattle made with Lieut. G. W. Hawkins, in June, 1849; also, copies of orders or adjudications made by the Department in reference to the claim.

Very respectfully,
WM. C. ENDICOTT,
Secretary of War.

To the PRESIDENT PRO TEMPORE OF THE SENATE.

Copies of papers and letters in relation to the claim of William J. Martin against the United States for balance due on alleged contract to furnish beef cattle for the use of the Rifle Regiment in 1849.

ADJUTANT-GENERAL'S OFFICE,
June 22, 1886.

J. C. KELTON,
Assistant Adjutant-General.

EBBITT HOUSE,
Washington, D. C., October 7, 1884.

SIR: Herewith please find inclosed papers relating to the claim of William J. Martin, of Jackson County, Oregon, against the United States, arising out of a contract made with First Lieut. G. W. Hawkins, acting quartermaster, U. S. A., then stationed at Oregon City, Oregon Territory, in the month of June, 1849, for the delivery of beef cattle at Fort Hall, in Utah Territory, for the use of the Rifle Regiment on route for said fort, under command of Colonel Loring, U. S. A.

I respectfully ask that I may have an acknowledgment of the receipt of these papers; and I further respectfully request that an examination may be made in regard to the matter in such manner as the Department may deem most advisable, and that I may be advised from time to time of such action as your Department may take in the premises; or the result of such investigation as may be made in the premises.

Very truly yours,
Hon. ROBERT T. LINCOLN,
Secretary of War.

JOHN H. MITCHELL,
Attorney for William J. Martin.
STATEMENT OF WILLIAM J. MARTIN

Concerning a Claim Against the United States

William J. Martin, of Douglas County, State of Oregon, being a native-born citizen of the United States, after being duly sworn, deposes and says:

I entered into a written contract with First Lieut. G. W. Hawkins, acting quartermaster, U.S.A., stationed at Oregon City, Oregon Territory, for the delivery of 96,000 pounds of beef at Fort Hall, Utah Territory, for the delivery of beef cattle at Fort Hall, for the use of the Rifle Regiment en route to said fort, under command of Colonel Loring, which written contract, together with many other public and private papers, was destroyed by fire at my residence in Douglas County, State of Oregon, in the year 1863, and which contract was in substance as follows, to wit:

I agreed to deliver to Fort Hall aforesaid, with as little delay as possible, 96,000 pounds of beef, at my own expense, for which Lieutenant Hawkins agreed to pay me 12 cents per pound on foot. To any unavoidable losses were sustained on the trip by reason of the depredation of Indians, which was greatly feared, the lieutenant aforesaid was to be responsible. And the said lieutenant, as agreed, advanced on said contract the sum of $2,500 to assist in the purchase of said beef cattle. In accordance with said contract, I purchased one hundred and twenty-two head of beef cattle of A. J. Embrie, of Yamhill County, in said Territory, and employed to assist in driving the same, William Rogers, D. Harner, and G. W. Garrison, the latter being killed by Indians at Mud Lake while en route.

The expedition, when ready, consisted of the beef cattle aforesaid, twenty-two wagons loaded with quartermaster's stores, under Joel Parmer as wagon-master, and a large number of loose horses, the whole being under my immediate supervision, with Lieutenant Hawkins as commander. The expedition set out from Yamhill County aforesaid, on the 4th day of July, 1849, and reached Fort Hall the last of September of said year. The cattle and quartermaster's stores were immediately turned over to Lieut. F. Russell, acting quartermaster at said fort. At the time of the delivery of said cattle, as provided in said contract, neither Lieutenant Hawkins nor Lieutenant Russell had the funds to pay for them, but, in lieu thereof, Lieutenant Hawkins gave me an order on Judge Bryant, then Territorial judge, residing at Oregon City, in said Territory. Upon the presentation of said order to Judge Bryant, on my return, I was informed that Lieutenant Hawkins had deposited no money with him for that or any other purpose, and that he could not therefore satisfy the order. Winter came on and I could do nothing towards the collection of this claim until spring, and meantime word came that Lieutenant Hawkins had become insane. He was brought to Oregon City in May, I think, of 1850, where I went to see him regarding this claim, but his mental condition was such that no business of any character could be transacted with him. He was afterward removed to Vancouver, in charge of Captain Morris, United States Army, where I went in July, same year, to see him, but he was still apparently hopelessly insane, and had no remembrance either of the expedition or the contract. He was some time afterwards, I believe, stricken from the Army rolls, and died insane at or near Buffalo, N.Y.

Thence disappointed in securing a settlement, or perfecting any arrangements by which a settlement might be had in the future, it was my intention to take the necessary steps to collect this claim without delay, but the Indian war of 1852-53 coming on, followed by that of 1855-56, in which I was actively engaged, with many immediate and pressing claims upon the Government, the matter was deferred from time to time until the breaking out of the rebellion in 1861, during which time I was advised and believed it would have been difficult, if not impossible, to have diverted the public mind from the actual necessities of the war for the purpose of passing upon a claim of this character, and so time has passed and no effort has been made for its collection.

When Lieutenant Hawkins reached Oregon City for the purpose of beef and quartermaster's stores, he experienced much difficulty and delay in securing assistance at any price. The country was new and only sparsely settled, wages were high, and but little known concerning United States Army regulations, and the lieutenant found it, in consequence, almost impossible to get countenance or assistance from any quarter. The route to be taken by the expedition had been determined upon by the lieutenant's superiors, and traversed a section of country wholly uninhabited, except through the Willamette Valley. The route was up the Willamette Valley, through Umpqua, Rogue River, and Klamath Valleys, Oregon to Humboldt, now in the State of Nevada; thence up Humboldt to Goose Creek and Raft River; thence down Raft River to the old emigrant road to Snake River; thence up Snake River to Fort Hall. The whole of this distance, except through the Willamette Valley, was infested with hostile Indians.
No one would undertake the delivery of cattle or stores of any kind through a country presenting so many obstacles, difficulties, and dangers, without an agreement on the part of the Government through its officials to sustain all unavoidable losses, and such an agreement in writing was entered into by and between Lieutenant Hawkins and myself, and duly signed in the said lieutenant's office, in Oregon City and Territory aforesaid, in presence of Dr. Hayden, United States Army surgeon, and orderly Sergeant Humphreys, regular, United States Army. The Indians stamped the cattle twice in the Umpqua Canon, where we lost twenty-two head, the only loss sustained during the trip. We reached Fort Hall with eighty-eight head, the remaining twelve head having been butchered by order of Lieutenant Hawkins for the use of the expedition and for destitute emigrants. Lieutenant Hawkins agreed to pay the hands employed to assist in driving the cattle, which he did, and which was to be deducted from the contract price. The amount so paid to hands was $1,500, which added to the $2,500 advanced by the lieutenant, makes a total paid on the contract of $4,000, which deducted from $11,520, the amount of the contract, leaves a balance due me on said contract of $7,520, with interest thereon at 6 per cent. per annum for thirty-five years, amounting to the further sum of $16,011.33, making the total claim against the Government arising from this contract $23,531.33.

I hereby certify that the foregoing is substantially a true and correct statement of the contract between Lieutenant Hawkins and myself, and of the whole of said contract, and that the beef cattle therein mentioned were delivered at Fort Hall in accordance with said contract; and that the amount paid thereon by the said Lieutenant Hawkins was $4,000 and no more; and that there is a balance due me on said contract of $7,520, and that the said balance has not been paid nor any part thereof; and that there is still due and owing me from the United States on said contract the said balance of $7,520, together with interest thereon from October 1, 1849, to the present time.

WM. J. MARTIN.

STATE OF OREGON,
County of Jackson, ss:

Subscribed and sworn to before me this 1st day of April, 1884, and I hereby certify that the foregoing affidavit was read to said W. J. Martin previous to his name being subscribed thereto; and that deponent is a respectable person, to whose affidavit full faith and credit should be given.

HENRY KLIPPEL,
County Clerk.

STATE OF OREGON, County of Multnomah, ss:

I, HENRY CLAY HILL, being duly sworn, do say that I have been a resident of Oregon since the year 1843; that in the year 1849, Lieutenant Hawkins, of the United States Army, arrived in Oregon in command of the escort of General Joseph Lane, then the appointed governor of Oregon; that when General Lane and party arrived here it was understood that the Rifle Regiment under command of Colonel Loring would come across the plains to Oregon. Lieutenant Hawkins, when he arrived in Oregon, was under orders to fit out a supply train of beef cattle, flour, coffee, &c., and go east to meet the Rifle Regiment. It was not known whether the regiment would come over the emigrant route or over what is known as the southern route, by way of Raque River and the Klamath lakes. Lieutenant Hawkins supposed it would come in by the latter route—that is, by the Klamath or Raque River route. When the expedition started, which was about the 4th of July, 1849, from Yamhill County, it consisted of between twenty and twenty-five wagons, loaded with commissary stores, such as flour, bacon, coffee, tea, &c. The beef cattle consisted of a band about one hundred head, more or less. The expedition went out from the Willamette Valley, through the Umpqua, Raque River, and Klamath Valleys, and then the Humboldt Valley, now in the State of Nevada. From there we went to Goose Creek and Raft River, where we struck the old emigrant route. On Goose Creek we met John Wilson, then naval agent, on his way to California, and his escort. From them we learned that the Rifle Regiment, or a part of it, was near Fort Hall, on near Snake River. The expedition under command of Lieutenant Hawkins then proceeded to Camp Loring, two or three miles from Fort Hall, where we delivered up the supply train. The cattle, which had been furnished by Capt. William J. Martin for beef cattle, were also delivered there, except a few which had been lost on the way, and a few that had been killed for beef for the men in the expedition.

After the men in the expedition returned to Oregon City, or to the Willamette Valley, who were employed by Lieutenant Hawkins, myself among the number, had great difficulty to get pay for their services. I could not get pay for my services, and transferred my claim to Absalom J. Hembill, and I do not know whether it has yet been paid. Lieutenant Hawkins was not in his right mind when he came back from Fort
Hall, and was, I think, incapable of transacting any business connected with the expedition. I had a talk with Lieutenant Hawkins about my claim, but he was not in a condition to give me any satisfaction about it; but my belief is, that if he had not lost his mind there would not have been any difficulty in the men employed by him getting pay for their services on that expedition.

I do not know anything about Capt. W. J. Martin’s claim for the beef cattle furnished by him for the Rifle Regiment, but my belief is that at the time Lieutenant Hawkins came back from Fort Hall he was not in a condition of mind to settle with Captain Martin any more than he was to settle with the men employed by him.

H. C. HILL.

Subscribed and sworn to before me, a notary public in and for the State of Oregon.
Witness my hand and notarial seal this 4th day of July, 1884.

WM. FOLEY,
Notary Public for Oregon.

To whom it may concern:

In the year 1849 I crossed the plains to Oregon, and at Cantonment Loring, near Fort Hall, on the river Portneuf, I met Col. William Martin, and traveled with him from thence to the Dalles, Oregon. I have known Colonel Martin well, in Oregon, ever since, and from what I saw and heard on this trip and have since learned as a part of the early history of the country, I firmly believe and state, that in the summer of 1849 Martin and a party of Oregonians, whom he hired, were employed by Lieutenant Hawkins, of the United States Army, to drive a band of cattle from Oregon on to the plains to supply the Rifle Regiment, then crossing the plains to Oregon, with beef, and that the cattle were delivered to a detachment of the regiment that was left near Fort Hall and formed the camp called Cantonment Loring. Here Martin took charge of the men employed by him, under the direction of Hawkins, and brought them back to Oregon, while Hawkins remained at Cantonment Loring until the next season, when he came down with the detachment to Vancouver. Hawkins I never saw, but understood that he became mentally deranged from the effect of drink, and was unable and did not make out the account of the expenditures of the expedition, and therefore Martin and the men employed by him were never paid for their services.

I make this statement to aid Colonel Martin in application that he is making or about to make at Washington to get his pay, firmly believing that he has never been paid and that he would not under any circumstances make such application if he had been paid.

MATTHEW P. DEADY.

Subscribed and sworn to before me this June 2, 1884.

R. H. LAWSON,
Clerk United States District Court, Oregon.

STATE OF OREGON, County of Multnomah, ss:

I, SAMUEL S. FULLER, being duly sworn according to law, do say, that I am now a resident of the city of Portland, in the State of Oregon; that I came to the Territory of Oregon in the year 1845, and that in the year 1849 I was employed by Mr. William J. Martin to assist him in driving a band of cattle from the Willamette Valley to Fort Hall, on Snake River; that there between one hundred and one hundred and fifty head of cattle in the drove. I know, from what Lieutenant Hawkins said at the time, that these cattle were contracted for by him for the use of the troops then coming to Oregon under Colonel Loring, of the United States Army, who was then on his way from the Atlantic States, and was then in command of the Rifle Regiment. I heard Lieutenant Hawkins say that he was anxious to have this band of cattle taken to Fort Hall for the relief of Colonel Loring’s expedition. I often heard him say that William J. Martin had the contract to raise and collect these cattle, and he took an active part and a great deal of interest in having the cattle sent as fast as we could collect and drive them forward.

S. S. FULLER.

Subscribed and sworn to before me, a notary public in and for the State of Oregon, this 28th day of May, 1884.
Witness my hand and official seal the date above.

WM. FOLEY,
Notary Public for the State of Oregon.
in the matter of the claim of William J. Martin, of Douglas County, State of Oregon, against the United States of America, for the delivery of beef cattle to the United States troops en route to Oregon in the year 1849 under the command of Colonel Loring.

J. Henry Warren, after being duly sworn, deposes and says that he is a citizen of the United States, of the age of sixty-seven years, and that he have resided in Yamhill County, State of Oregon, since the year 1848. That on or about the 4th of July, 1849, the said claimant, William J. Martin, left his home in Yamhill County with J. W. Rogers, Pleny Garrison, Emanuel Horner, and G. W. Helm, assistants, as drivers, with a large band of cattle for the troops under command of Colonel Loring en route to Oregon; that I have personal knowledge of their starting with said band of cattle for said troops, and that he, with his assistants (except P. Garrison, who was killed by the Indians), did not return to his home from said trip until late in the fall of the same year; that his family was left under my care while he was absent from home to deliver the cattle he had agreed to deliver under a contract agreement with Lieutenant Hawkins, quartermaster United States Army, at Oregon City, Territory of Oregon. And further deponent saith not.

HENRY WARREN.

STATE OF OREGON, Yamhill County, ss:

Subscribed and sworn to before me this 21st day of May, 1884.

J. E. Magers,
A Notary Public for Oregon.

Statement of J. W. Rogers, of Yamhill County, Oregon, in behalf of William J. Martin, claimant, against the United States; the indebtedness having arisen out of a contract made and entered into between the said William J. Martin and First Lieutenant G. W. Hawkins, acting quartermaster, United States Army, then stationed at Oregon City, Oregon Territory, in the month of June, 1849, for the delivery of beef cattle at Fort Hall, in Utah Territory, for the use of the Rifle Regiment en route to said fort, under command of Colonel Loring, United States Army.

J. W. Rogers, of Yamhill County, State of Oregon, being first duly sworn according to law, deposes and says: I am a native-born citizen of the United States of America, and of the age sixty-three years. That I am a farmer by occupation and a resident of Yamhill County, State of Oregon, and have resided in said county since the year 1856, and have known the said William J. Martin since the year 1847. In the year 1849 I was a drover in the expedition to Utah Territory, Fort Hall, with a band of cattle for use of the Rifle Regiment en route to said Fort Hall, in Utah Territory, under command of Colonel Loring, United States Army. That the expedition in which I was a drover, when ready, consisted of a number of wagons, loaded with quartermaster's stores, the exact number I do not recollect, and a large band of beef cattle and some loose horses, the whole being under the immediate supervision of said William J. Martin, with Lieutenant Hawkins as commander. That the said beef cattle were purchased of A. J. Hambric, of Yamhill County, Territory of Oregon, and myself, E. Homer, and Pleny Garrison, and G. W. Helm assisted in driving the said cattle on the expedition. The said Pleny Garrison was killed by Indians while en route, to wit, at Mud Lake. The expedition set out from Yamhill County, aforesaid, on the 5th day of July, 1849, and reached Fort Hall the last of September of same year. On our arrival at Fort Hall the cattle and quartermaster's stores were immediately turned over to Lieutenant F. Russell, acting quartermaster, at said Fort Hall. The route taken by the expedition traversed a section of country wholly uninhabited, except through the Willamette Valley. The route was up the Willamette Valley, through Umpqua Rogue River and Klamath Valleys, Oregon, to Humboldt, now in the State of Nevada; thence up Humboldt to Goose Creek and Raft River; then down Raft River to what was and is now known as the old emigrant trail to Snake River; thence up Snake River to Fort Hall. (This was known as the Applegate route.)

All the distance traveled, except through the Willamette Valley, was inhabited with savage and hostile Indians. So hostile and warlike were the said Indians in those days that it was not easy to get men to undertake the delivery of cattle or horses or stores of any kind through a country presenting so many obstacles, difficulties, and dangers, without an assurance or agreement on the part of the Government to make good all unavoidable losses that he might be subject to. Such an agreement, I was informed and believe, was entered into by and between Lieutenant Hawkins on the part of the Government, and the said William J. Martin, the claimant herein named. The cattle stampeded once in the Umpqua Canon, where we lost — head, the only loss sustained during the trip. The expedition reached Fort Hall with the exception of the cattle, except — head, having been butchered by order and at the special in-
WILLIAM J. MARTIN.

stance and request of Lieutenant Hawkins, for the use of the expedition and for desti-
tute emigrants. At the time of the delivery of said cattle and quartermaster's stores
to Lieutenant Russell at Fort Hall neither Lieutenant Hawkins nor Lieutenant Rus-
sell had any funds on hand to my knowledge, nor did any of the men belonging to
said expedition receive any money at that time to my knowledge.

I know nothing or have forgotten the contents of the agreement made and entered
into between the said William J. Martin and said Lieutenant J. Hawkins about the
delivery of beef to Fort Hall, or to where they would meet the expedition of Colonel
Loring en route. I was not present when the said contract was entered into be-
tween the said parties, Lieutenant Hawkins and William J. Martin, and, therefore,
I am unable to give the particulars thereof. I have known the claimant, W. J. Mar-
tin, since the year 1847, and have always found him truthful and honest; never
heard anything to the contrary.

I further swear that the claimant William J. Martin is a respected citizen of
Douglas County, in the State of Oregon.

J. W. ROGERS.

STATE OF OREGON, County of Yamhill, ss:

Subscribed and sworn to before me this 21st day of May, A. D. 1884, and that I cer-
tify that the foregoing affidavit was read to said J. W. Rogers previous to his name
being subscribed by him thereto, and that deponent is a respected citizen residing in
Yamhill County, in the State of Oregon, to whose affidavit full faith and credit should
be given.

HENRY WARREN,

Notary Public for the State of Oregon.

TERRITORY OF WASHINGTON, County of Whitman, ss:

I, EMANUEL HORNER, being duly sworn according to law, do say that I am now
a resident of Whitman County, Washington Territory; that in the year 1849 I was a
resident of the Territory of Oregon, and then living in the Willamette Valley. That
in the year 1849 William J. Martin hired William Rogers, J. Garrison, and myself to
assist him to deliver a band of cattle at Fort Hall, on Snake River, then in Eastern
Oregon, now Idaho Territory. These cattle were intended for the use of the United
States troops then under Colonel Loring. We took charge of the cattle at Martin's ranch
in Yamhill County, Oregon, about the 1st of July, 1849. Martin agreed to pay us each
$125 per month during the trip from the time we started until our return to Yamhill
County.

Previous to the time of starting for Fort Hall we herders became uneasy about our
pay, as it was known that the Indians on the route where we had to go were danger-
ous the whole way after we would get out of the Willamette Valley. It was then
arranged among the herders that I should go and talk the matter over with Martin
and get some guarantee for the payment of our wages, as we knew that if the Indians
should steal or kill the cattle Martin would be broken up and we would lose our pay.
Accordingly I went and talked the matter over with Martin, and he told me that the
United States Government was to indemnify him for any loss by the Indians, and that
Lieutenant Hawkins, of the United States Army, would be up in Yamhill County
and would go with us on the expedition, and that he (Martin) would have Hawkins sat-
sify us that our wages would be paid.

Lieutenant Hawkins did come up to Yamhill in a few days, and Martin and I talked
the matter over with him again. Lieutenant Hawkins then said that the United
States Government would be answerable to us for our wages if the cattle should be
stolen or destroyed by the Indians; that he as United States assistant quartermaster,
der Quartermaster Ingalls, of Fort Vancouver, had contracted with Martin for the
cattle, and that we might rest satisfied that we would be paid if we would go as herders.
We accordingly went and drove the cattle to and delivered them at Camp
Loring, five miles from Fort Hall, on Snake River. After delivering the cattle we
returned to Yamhill County, about the 26th day of November, 1849.

Afterwards Lieutenant Hawkins returned from Fort Hall to Vancouver, and it was
said that he was insane and incompetent to do any business. I never saw him after
I left Camp Loring, five miles above Fort Hall.

EMANUEL HORNER.

Subscribed and sworn to before me this 7th day of July, 1884. In witness whereof
I have hereunto set my hand and official seal.

C. M. KINCAID,

Probate Judge and ex officio Clerk of the Probate Court of Whitman County, W. T.
Statement of N. K. Litten, of Yamhill County, Oregon, in behalf of William J. Martin, claimant against the United States; the indebtedness having arisen out of a contract made and entered into between the said William J. Martin and First Lieutenant Hawkins, acting quartermaster, United States Army, then stationed at Oregon City, Oregon Territory, in the month of June, 1849, for the delivery of beef cattle at Fort Hall, in Utah Territory, for the use of the Rifle Regiment en route to said fort under command of Captain Loring, United States Army.

N. K. Litten, of Yamhill County, State of Oregon, being first duly sworn according to law, deposes and says: I am a native-born citizen of the United States of America, and of the age 59 years; that I am a farmer by occupation, and a resident of Yamhill County, State of Oregon, and have resided in said county since the year 1844, and have known the claimant, William J. Martin, since 1843.

In the year 1849, about the 1st of July, the claimant, William J. Martin, with his aids as drovers, J. W. Rogers, Pliny Garrison, G. W. Helm, and E. Horner, started from Yamhill County with a large band of beef cattle, as much as one hundred head—have forgotten the exact number—which the said claimant, William J. Martin, had purchased from A. J. Hembrie, of said Yamhill County, and started, as aforesaid, to meet the troops en route from the States to Oregon Territory under command of Colonel Loring. The beef was for to supply those troops en route to Oregon Territory, as I understood and believe, and was contracted for by one Lieutenant Hawkins, acting quartermaster, then stationed at Oregon City, Oregon Territory. I know that the claimant started as aforesaid with said beef cattle to Fort Hall, or to where they would meet said troops, and had for his aids the men herein mentioned, and the said drovers all returned in the fall of same year, except Pliny Garrison, who, I am informed, was killed by the Indians, and saw those who did return, who informed me they had to go to Fort Hall when they met the troops. The said claimant, William J. Martin, is now a resident of Douglas County, Oregon, is a man of respectability and worthy of credence, never heard the word or honor brought in question. I have no interest directly or indirectly in the prosecution of this claim.

N. K. LITTEN.

STATE OF OREGON, County of Yamhill, ss:

Subscribed and sworn to before me this 24th day of May, A. D. 1884, and that I certify that the foregoing affidavit was read to said N. K. Litten previous to his name being subscribed by him thereto, and that deponent is a man of respectability residing in Yamhill County, in the State of Oregon, to whose affidavit full faith and credit should be given.

HENRY WARREN,
Notary Public for State of Oregon.

Statement of Mark Hatton on behalf of William J. Martin, claimant against the United States, the indebtedness having arisen out of a contract made and entered into between the said William J. Martin and First Lieutenant G. W. Hawkins, acting quartermaster, U. S. A., then stationed at Oregon City, Oregon Territory, in the month of June, 1849, for the delivery of beef cattle at Fort Hall, in Utah Territory, for the use of the Rifle Regiment en route to said fort under command of Colonel Loring, U. S. Army.

Mark Hatton, of Clackamas County, State of Oregon, being first duly sworn according to law, deposes and says: I am a native-born citizen of the United States of America, and of the age of sixty-two years; that I am a farmer by occupation, and a resident of Clackamas County, State of Oregon; and have resided in said county since the year 1846, and have known the said claimant, William J. Martin, since the year 1849. In 1849 I was a teamster on the expedition of the Rifle Regiment en route to Fort Hall, Utah Territory, under command of Colonel Loring, U. S. Army, and drove one of twenty-two wagons which formed part of said expedition, all of which said wagons were loaded with quartermaster's stores, under Joel Palmer as wagonmaster. That the expedition when ready consisted of the said twenty-two wagons loaded as aforesaid, and 122 head of beef cattle and a large number of loose horses, the whole being under the immediate supervision of said William J. Martin, with Lieutenant Hawkins as commander. The said 122 head of beef cattle were purchased of A. J. Hembrie, of Yamhill County, Territory of Oregon, and William Rodgers, D. Horner, and G. W. Garrison assisted in driving said cattle on the expedition. The said G. W. Garrison was killed by Indians while en route, to wit, at Mud Lake. The expedition set out for Yamhill County aforesaid on July 4, 1849, and reached Fort Hall the last of September of said year. On our arrival at Fort Hall the cattle and quartermaster's stores were immediately turned.
over to Lieut. F. Russell, acting quartermaster at said fort. The route taken by the
expedition traversed a section of country wholly uninhabited except through the
Willamette Valley. The route was up the Willamette Valley, through Umpqua Rogue
River and Klamath Valleys, Oregon, to Humboldt, now in the State of Nevada, thence
up Humboldt to Goose Creek and Raft River, then down Raft River to what was and
is now known as the old emigrant road to Snake River, thence up Snake River to Fort
Hall.

All of this distance, except through the Willamette Valley, was infested with savages
and hostile Indians. So hostile and warlike were the said Indians in those days of
trouble that no one would undertake the delivery of cattle or horses or stores of any
kind through a country presenting so many obstacles, difficulties, and dangers, with­
out an agreement on the part of the Government to sustain all unavoidable losses that
he might be subject to. Such an agreement I was informed and believed was entered
into by and between Lieutenant Hawkins, on the part of the Government, and the
said William J. Martin, the claimant herein.

The Indians attacked the said expedition and stampeded the cattle twice in the
Umpqua Cañon, where we lost 22 head, the only loss sustained during the trip. The
expedition reached Fort Hall with 88 head of cattle, the remaining 12 head having
been butchered by order, and at the special instance and request of Lieutenant
Hawkins, for the use of the expedition and for destitute emigrants.

At the time of the delivery of said cattle and quartermaster's stores to Lieutenant
Russell at Fort Hall, neither Lieutenant Hawkins nor Lieutenant Russell had any
funds on hand, and therefore even the teamsters and servants of the said expedition,
who were in need of and who demanded money, did not get any. I for one endeavored
to get some money, but failed to get any for the reason that the said lieutenants had
no funds on hand.

I was informed that a contract was entered into between said William J. Martin,
the claimant herein and Lieutenant Hawkins, on the part of the United States, where­
by and whereby the said William J. Martin agreed to deliver to Fort Hall aforesaid
several thousand pounds of beef, for which Lieutenant Hawkins agreed to pay him
therefor. I was not present at the time said contract was entered into, and therefore
am unable to state the particulars thereof, but from the knowledge I have of the
character of said William J. Martin and the reputation which he enjoys as an honest
conscientious man, I am satisfied that his claim against the United States is just and
reasonable. I also know that the residence of the said William J. Martin in Douglas
County, State of Oregon, was destroyed by fire in the year 1863, and I have been
authentically informed that several important instruments and documents were de­
stroyed therein and at that time.

I further swear that during the early part of the spring of 1850 the said Lieutenant
Hawkins lost his reason and became hopelessly insane, which insanity continued un­
abated during all the subsequent time he remained on the Pacific Coast. He was
brought to Oregon City in the spring of said year, and shortly afterwards was removed
to Vancouver and placed in charge of Captain Morris, United States Army. That I
visited him several times during the summer of 1850, and found each time that his
mind and memory was gone and his reason completely dethroned, and that mentally
he was in such a condition that he was unable to transact business of any kind.

That he never afterwards recovered his reason while a resident of this country, and
that his insanity continued unabated until the time of his dissolution, which occurred
in one of the Atlantic States some time after his removal thereto.

I further swear that William J. Martin, the claimant herein, is a respected citizen
of Douglas County, in the State of Oregon, and that I believe the said claim against
the United States is just and reasonable.

I hereby certify that the foregoing is substantially a true and correct statement of
the facts respecting said expedition and said claim of said William J. Martin against
the United States.

MARK HATTON.

STATE OF OREGON, County of Multnomah ss:

Subscribed and sworn to before me this 2d day of May, 1884, and I hereby certify
that the foregoing affidavit was read to said Mark Hatton previous to his name being
subscribed by him thereto, and that deponent is a respectable person, residing in
Clackamas County, in the State of Oregon, to whose affidavit full faith and credit
should be given.

WM. FOLEY,
Notary Public for the State of Oregon.

STATE OF OREGON, County of Multnomah ss:

I, WILLIAM R. SEWALL, county clerk and clerk of the county court of the State of
Oregon, for the county of Multnomah, do hereby certify that said court is a court of
record, and that William Foley, whose signature is affixed to the foregoing certificate of affidavit, was at the time of signing the same, to wit, the 2d day of May, A. D. 1884, and still is, a notary public in and for said county and State, duly authorized and empowered by law to administer oaths; that I believe the signature of the said William Foley, subscribed thereto, to be genuine; that full faith and credit are due to his official acts.

In testimony whereof I have hereunto set my hand and affixed the seal of said court this 2d day of May, A. D. 1884.

WM. SEWALL,
Clerk County Court.

PORTLAND, OREG., June 2, 1884.

FRIEND MARTIN:

I inclose an affidavit concerning my knowledge of your Fort Hall trip in 1849, which I hope may be of benefit to you in getting the long delayed payment for your services. I did not get it done quite as soon as I expected. Please excuse the delay, and believe me to be, very truly, yours,

MATTHEW P. DEADY.

WAR DEPARTMENT, Washington City, November 9, 1884.

SIR: I have the honor to acknowledge the receipt of your communication of the 7th instant, transmitting papers in the claim of William J. Martin, of Jackson County, Oregon, for balance due on beef cattle alleged to have been delivered at Fort Hall, Utah Territory, in 1849, and to inform you that the matter will be duly examined.

Very respectfully,

Hon. J. H. MITCHELL,
JOHN TWEEDALE,
Chief Clerk, for and in absence of the Secretary of War.

[Headquarters Eleventh Military Department, camp near Fort Vancouver, Oregon Territory, on Columbia River.] JUNE 2, 1849.

ORDERS.

Capt. R. Ingalls, assistant quartermaster, U. S. Army, having reported at these headquarters in compliance with orders from headquarters of the Pacific Division, is hereby assigned to duty in this department, and for the present will take post at this place until such time as the headquarters of the department may be elsewhere established. He will as soon and as far as practicable proceed to carry out and comply with his instructions as conveyed by orders and letter from headquarters of the Pacific Division.

He will at once establish a pilot at the mouth of this river, whose duty it must be to conduct in all vessels in Government employ, and to make soundings of the bar off the river and the channel within, and so far as possible to place buoys or other marks as guides in entering and sailing up the river.

He will provide transportation for the supplies furnished by the acting commissary subsistence, destined for the Rifle Regiment in its advance to Fort Hall, and if necessary will purchase and forward these supplies by Lieutenant Hawkins, Rifle Regiment, who is placed under the orders of Captain Ingalls for this purpose.

From all the reliable information that can be collected with regard to the resources of this Territory it is recommended that 15,000 rations of fresh beef and flour, 7,500 of sugar and coffee, be forwarded to meet the Rifle Regiment as far as Fort Hall; and as supplies cannot be furnished during the winter to a point further in the Interior than Walla-Walla or The Dalles nor quarters provided, the regiment should advance to these points, and leaving a detachment at each, the remainder should occupy this point and Oregon City. Captain Ingalls will make arrangements to meet this view.

He will turn over to Lieutenant Hawkins and the acting assistant commissary subsistence such funds as will enable these officers to perform what is herein required.

By order of Brevet Major Hatheway, commanding Eleventh Military Department.

J. B. FEY,
Second Lieutenant, First Artillery, Acting Assistant Adjutant-General.

RUFUS INGALLS,
Capt., A. Q. M.

9,005 pounds of flour.
1,016 pounds of coffee.
1,617 pounds of sugar.
30 head of beef cattle.

G. W. HAWKINS,
Second Lieutenant, R. M. R., A. A. C. S.

CANTONMENT LORING, O. T.,
September 25, 1849.
(Signed duplicate.)

WAR DEPARTMENT, JUDGE-ADVOCATE-GENERAL'S OFFICE,
Washington, D. C., February 13, 1885.

Respectfully returned to the Secretary of War.
Hon. John H. Mitchell (from the Ebbitt House, this city) presents the claim of William J. Martin, of Jackson County, Oregon, and asks to be advised of the action taken therein.

Mr. Martin presents a statement under oath, stating the nature of his claim, as follows:

That he entered into a written contract at Oregon City, Oreg., in June, 1849, with First Lieut. G. W. Hawkins, acting quartermaster, United States Army, for the delivery of 86,000 pounds of beef at Fort Hall, Utah Territory, for the use of the Regiment of Mounted Riflemen under Colonel Loring, at the price of 12 cents per pound, the beef to be delivered at claimant's own expense, Lieutenant Hawkins agreeing to be responsible for Indian depredations en route; that Lieutenant Hawkins advanced to claimant, on account of said contract to purchase beef cattle, the sum of $2,500 and the additional sum of $1,500 to pay the hands employed at Oregon City to drive and herd the cattle to said Fort Hall, making the total sum advanced by Lieutenant Hawkins $4,000, which deducted from $11,520, the amount of the contract, leaves a balance due claimant, according to his computation, of $7,520, with interest thereon at 6 per cent. per annum for thirty-five years, amounting to the further sum of $26,011.33, making the total claim against the Government arising from this contract $33,531.33.

Claimant states that in pursuance of said contract he purchased 122 head of beef cattle and employed herders and drivers to drive said cattle from Oregon to Utah, that the expedition consisted of the beef cattle, twenty-two wagons laden with quartermasters' stores, and a large number of loose horses, the whole being under the command of said Lieutenant Hawkins; that 88 head of the beef cattle were delivered to Lieutenant Russell, acting quartermaster at said Fort Hall, 22 head having been captured by the Indians en route, and 12 head having been slaughtered for the use of the expedition; that neither Lieutenant Hawkins nor Lieutenant Russell had funds to pay the balance due for said cattle, but that Lieutenant Hawkins gave an order on Judge Bryant, of Oregon City, for said balance, which order was not paid, Lieutenant Hawkins not having any funds deposited for the purpose, but that he agreed to pay the men employed for herding and driving the cattle, which he did, as above shown, and which was to be deducted from the contract price of the cattle; that nothing further was done about payment until the following spring, when he went to see Lieutenant Hawkins about it; but Lieutenant Hawkins was hopelessly insane and unable to transact business; that Lieutenant Hawkins was subsequently stricken from the rolls of the Army and died insane.

It appears by General Orders No. 4, headquarters of the Army, June 27, 1853 (memorandum hereunto), that First Lieut. George W. Hawkins, Regiment of Mounted Riflemen, was, by direction of the President, dismissed the service for failing to render his accounts, as required by the act concerning the disbursement of public money, approved January 21, 1833. Claimant further states that he was actively engaged in the Indian wars in Oregon in 1852-53, followed by that of 1855-56, and having many immediate and pressing claims upon the Government he did not present this claim, but deferred presenting it from time to time until the breaking out of the war of the rebellion in 1861, when he was advised it would be difficult to divert the public mind from the actual necessities of the war for the purpose of passing on this claim, and so time has passed and no effort has been made for its collection; that said written contract with Lieutenant Hawkins was executed in the presence of Dr. Hayden and Sergeant Humphreys, United States Army, and was destroyed by fire at his residence in Oregon in the year 1863.

Claimant submits affidavits of persons who accompanied the expedition with the beef cattle, either as herders, drivers, or teamsters, and others who had become acquainted with him at the time, who confirm him as to its existence, its composition,
the route taken, and the delivery of the beef to Colonel Loring's command at Fort Hall, Utah. Some of them depose that they heard of the existence of a contract between claimant and Lieutenant Hawkins for the delivery of said beef cattle as stated; also the insanity of Lieutenant Hawkins and his inability to transact business. They also depose to the good standing of claimant in the community.

Substantially the facts appear to be that in 1849 the regiment of Mounted Riflemen was ordered to march to Oregon, and Lieutenant Hawkins was instructed to meet the regiment at Fort Hall, Utah, with supplies from Oregon; and the claimant, Martin, claims that for this purpose he purchased the beef cattle, but was only partially paid therefor. Yet from 1849 to 1864, he permits his claim for the alleged balance to slumber, without asserting or attempting to assert it, directly or indirectly, to any official of the Government. He says the Indian wars in Oregon in 1852-53 and 1855-56, and the war of the rebellion, prevented him from presenting his claim; but even if these circumstances afforded good reasons for the delay in presenting it, he fails to state why he did not assert it since the close of the war of the rebellion, being a space of time of about nineteen years prior to the filing of this claim.

Claimant not showing that he was under any disability to make and present his alleged claim within a reasonable time after it accrued, I think it is now too late to consider it in the Department, and it ought to be dismissed.

G. NORMAN LIEBER,
Acting Judge-Advocate-General.

HEADQUARTERS OF THE ARMY, ADJUTANT-GENERAL'S OFFICE,
Washington, January 27, 1853.

[General Orders, No. 4.]

2. First Lieut George W. Hawkins, of the regiment of Mounted Riflemen, having failed to render his accounts as required by the act "concerning the disbursement of public money," approved January 21, 1823, is, by direction of the President, dismissed from the Army of the United States.

By command of Major-General Scott.

S. COOPER, A. G.

Respectfully referred to the Commissary-General of Subsistence for report.

JOHN TWEEDEALE,
Chief Clerk.

WAR DEPARTMENT, October 11, 1884.

WAR DEPARTMENT,
OFFICE COMMISSARY-GENERAL OF SUBSISTENCE,
October 16, 1884.

Neither of the officers named (viz. Lieut. George W. Hawkins, and Lieut. F. S. K. Russell) rendered any returns to this office for any part of the year 1849, nor do the records of this office show the receipt of any contract for beef or beef cattle, with the claimant, made by Lieut. George W. Hawkins in 1849. Under these circumstances it appears that no relief can be furnished by the War Department.

R. MACFEELY,
Commissary-General of Subsistence.

Respectfully referred to the Quartermaster-General for report.

JOHN TWEEDEALE,
Chief Clerk.
WAR DEPARTMENT, QUARTERMASTER-GENERAL'S OFFICE,
Washington, D. C., October 21, 1884.

Respectfully returned to the honorable the Secretary of War. The records of this office afford no information in reference to a contract with William J. Martin for the supply of beef cattle referred to in these papers.

In a communication to this office, dated Fort Vancouver, Oregon, June 10, 1849, Capt. R. Ingalls, assistant quartermaster, incloses a copy of an order, dated headquarters 11th Military Department, Fort Vancouver, June 2, 1849, instructing him to turn over funds to Lieutenant Hawkins and the commissary of subsistence, for the purchase of supplies, including 15,000 rations of fresh beef for the Rifle Regiment. A copy of this order is herewith inclosed. The accounts of Captain Ingalls and of Lieutenant Hawkins, on file in the Treasury Department will doubtless show the transfer of funds referred to, and if payments were made to W. J. Martin by the Quartermaster's Department on account of purchase of beef cattle, as alleged in the papers herewith, that fact should also appear on the accounts of those officers.

These papers state that Lieut. G. W. Hawkins, soon after the transactions referred to, became insane and was thereby unable to settle with the claimant.

Hamersly's Army Register, page 498, gives the record of G. W. Hawkins, brevet second lieutenant, transferred to Mounted Rifles July 17, 1846; second lieutenant, April 18, 1847; first lieutenant June 30, 1851; dismissed January 27, 1853.

S. B. HOLABIRD,
Quartermaster-General, U. S. A.

WAR DEPARTMENT, October 25, 1884.

Respectfully referred to the Third Auditor of the Treasury for such information as his records and the accounts of Captain Hawkins and Lieutenant Ingalls may afford in this case.

By order of the Secretary of War.

JOHN TWEEDALE,
Chief Clerk.

TREASURY DEPARTMENT, THIRD AUDITOR'S OFFICE,
December 13, 1884.

Respectfully returned to the Secretary of War with the information that Lieut. G. W. Hawkins does not account for any beef cattle purchased from W. J. Martin, the returns of Lieutenant Ingalls showing nothing in regard to the transaction referred to. I inclose copy of invoices of commissary stores turned over to Lieut. F. S. K. Russell by Lieutenant Hawkins, September 25, 1849, showing transfer of thirty head of beef cattle. Nothing further is disclosed in the returns of Lieut. F. S. K. Russell.

E. W. KEIGHTLEY,
Auditor,
Per J. N. W.

WAR DEPARTMENT, December 20, 1884.

Respectfully returned to the Third Auditor of the Treasury for any further information the accounts of Lieutenant Hawkins may afford as to the receipt of funds ordered to be turned over to him June 2, 1849, and as to any payments by Lieutenant Hawkins to W. J. Martin, or other parties, for beef cattle or fresh beef at about the period mentioned by the claimant and the Quartermaster-General.

By order of the Secretary of War.

JOHN TWEEDALE,
Chief Clerk.

TREASURY DEPARTMENT, THIRD AUDITOR'S OFFICE,
January 14, 1885.

Respectfully returned to the Secretary of War. Lieutenant Hawkins has no subsistence accounts covering the period named, June 2, 1849, and his quartermaster's accounts do not show the receipt of any money for the month of June; his accounts were evidently made up after his insanity, and no accounts current for the period named are on file. He stands charged now on the books of this office in the sum of
$69,118.10, which includes the $12,000 turned over to him by Captain Ingalls June 15, 1849, as well as other large sums subsequently advanced; he might have disbursed in payment for these cattle out of the moneys so placed in his hands, for which he never exhibited vouchers.

E. W. KEIGHTLEY,
Auditor.

[Seventh indorsement.]

Respectfully referred to the Acting Judge-Advocate-General.

WAR DEPARTMENT, February 2, 1885.

By order of the Secretary of War.

JOHN TWEEDALE,
Chief Clerk.

No. 604 12TH ST., N. W., WASHINGTON, D. C., May 18, 1885.

SIR: Referring to a letter from your predecessor, Hon. Robert T. Lincoln, late Secretary of War, of date February 18, 1885, addressed to myself (copy inclosed), I now renew my application for a consideration of the claim of William J. Martin, of Jackson County, Oregon, arising out of a contract for beef cattle in 1849, and referred to in the letter of the late Secretary.

It will be observed that your predecessor simply declined to consider the claim, giving as a reason that the claimant had made no showing that he was under any disability to make and represent his alleged claim within a reasonable time after it accrued. I now renew the application to have such claim investigated, based upon the verified statement of said William J. Martin, of date Jacksonville, Oreg., April 8, 1885, and addressed to me, which verified statement I herewith inclose, and which, it is respectfully suggested, meets the objection suggested by your honorable predecessor as a reason why your Department would not now consider the claim.

Surely the mere fact that the claim is an old one ought not of itself to be a sufficient reason for declining to investigate its truth and honesty, especially as the claimant has presented, accompanying my letter to your Department of October 7, 1884, a vast number of affidavits, which he deems ample to satisfy the Department of the truth and justice of his claim.

I therefore respectfully beg, in view of the additional affidavit now presented explaining fully the continued efforts that have been made by this claimant, and that his claim may receive consideration. I respectfully beg to be advised of whatever action is taken in the premises by your Department.

Very respectfully,

Hon. WILLIAM C. FENDICOTT,
Secretary of War.

JACKSONVILLE, OREG., April 8, 1885.

DEAR SIR: Your letter and the accompanying paper of the late honorable Secretary of War, disallowing my claim against the Government, for the reason that the same had not been prosecuted at an earlier date, are at hand; and I beg to submit to you, and through you to the present incumbent of that office, some of the reasons which have caused the delay complained of, together with the efforts made for its collection.

In order to submit a complete statement of the matter it will be necessary to recapitulate some of the facts and circumstances in my sworn statement.

When the cattle were delivered at Fort Hall in accordance with the contract, Lieutenant Hawkins had no money to make good his argument that they should be paid for upon delivery, and in lieu gave me an order on Judge Bryant, at Oregon City, whom he said had funds in his possession belonging to him and who would pay the order when presented.

When I returned to Oregon City and presented the order, Judge Bryant refused to honor it, and said that Lieutenant Hawkins had no money deposited with him.

This was about the last of November, 1849. I heard nothing of Lieutenant Hawkins from this time until some time in May, 1850, when he was brought to Oregon City in a wholly insane condition by Lieutenant Russell. I went to see him there concerning his contract with me, but his mind was so deranged that he did not even recognize me, and of course knew nothing about his contract.

He was kept there but a short time, and removed to Vancouver, where I went in July of the same year to see him; he recognized me this time, but he was still insane and nothing could be done. In September of the same year I sent a prominent man
by the name of Garrett to see him, to settle the matter if the lieutenant should be in a condition to settle; but he was not, and no vouchers or other satisfaction could be obtained. Some time subsequent the lieutenant was removed East, and I was informed several years later that he died insane.

About this time, the last part of 1850, I wrote to General Wool, at San Francisco, who was at that (time), I believe, commanding the Pacific Division, stating my case to him, and asked him if he had the authority to order the quartermaster at Oregon City to settle my claim, and he said he had not, and that I had better wait until Lieutenant Hawkins recovered, when I could procure vouchers and get my pay without any trouble.

Just before the close of the year 1850 I sent my brother to Oregon City to see the regimental quartermaster, Mr. Frost, to learn if anything could be done towards settling the claim, when a brother-in-law of Quartermaster Frost's proposed to give my brother $3,500 in goods if my brother would give him a clear receipt for my claim against the Government. My brother refused to do this, and so the matter remained as it was before. In 1852 I employed David Logan, one of the most prominent attorneys in the State, to prosecute my claim. Mr. Logan wrote a number of letters to Washington, explaining the claim and the difficulties under which I labored, and was finally informed by the head of one of the Departments—I do not know which—that much trouble and delay would be experienced in its collection unless the necessary vouchers could be obtained. Mr. Logan continued to press this matter from time to time, until about 1860, when he declared to me that nothing further could be done unless a relief bill could be got through Congress, Lieutenant Hawkins in the mean time having died. The "Indian wars" of 1852 and 3 and 5 and 6, in which I was personally engaged, had been fought and peace concluded, leaving a large claim against the Government, the payment of which was delayed for many years on account of the Third Auditor's report. Many of those claims, to the best of my remembrance, were not paid until after the breaking out of the rebellion in 1861, when I was informed by many leading men, in whose judgment I had much confidence, that it would be no use whatever to undertake to collect my claim in the then excited condition of the country, and that it would be better to wait until peace was again restored. My attorney, Mr. Logan informed me that there was no statute of limitation against a Government claim, and that it could be as well collected at one time as another.

After the war was over I wrote to several law firms in Washington City soliciting information as to the best course to take to collect the claim, and asking what its collection would be undertaken for, and the best offer I was able to get was a fee of 10 per cent. in advance, and the half of whatever might be collected. I had met with a number of reverses in business, and was not able financially to advance the per cent. required, and could not therefore employ an attorney at the Capital to present or prosecute my claim.

When Col. J. W. Nesmith was Congressman from this State he went at my request to see the Quartermaster-General at Washington in regard to claim, and was informed by that officer that he would receive testimony upon the subject, and such testimony would have been forwarded, but at that time I was not able to find the parties who were with the expedition, none of them being in the State except Mr. Mark Hatton. I could not therefore furnish what Mr. Nesmith required.

It will be observed from the foregoing that I have made every reasonable effort consistent with the unfortunate situation to collect my claim, but owing to the peculiar and unfortunate circumstances which have surrounded it from the beginning, I have been unable to procure any decisive action except through you from the late honorable Secretary of War, which was adverse to my claim. It must be evident to every fair and candid mind that through the unfortunate insanity of a Government official I have been made the victim of circumstances over which I could exercise no control.

I have been on the coast since the date above first named, and have assisted in my humble way to plant the standard of civilization in these Western wilds, and have suffered and borne many hardships and privations, and am to-day a poor man and physically incapable of performing any labor, and it seems hard indeed that I should be compelled to suffer, not through any fault of mine, but through the misfortunes of another, and that other the authorized agent of the Government.

The claim is a long-delayed and over-injust one, and I am fully convinced the more thoroughly it is investigated the more fully it will appear that it has never been paid, and that the amount is still due me, and that I have made every effort consistent with the circumstances of the case to collect it.

WM. J. MARTIN.


Subscribed and sworn to before me this April 9, 1885.

W. H. Parker,

County Clerk of Jackson County, Oregon.
WILLIAM J. MARTIN.

WAR DEPARTMENT, Washington City, February 18, 1885.

Sir: Referring to your communication of October 7, 1884, inclosing papers in the claim of William J. Martin, of Jackson County, Oregon, arising out of a contract for beef cattle in 1849, I have to inform you that the claimant not showing that he was under any disability to make and present his alleged claim within a reasonable time after it accrued, it is now too late to consider it in this Department, and it is therefore disallowed.

Very respectfully, ROBERT T. LINCOLN, Secretary of War.

Ebbitt House, Washington, D. C.,

May 20, 1885.

Sir: Referring to my letter of yesterday, presented personally, asking further consideration of the claim of Col. William J. Martin, I beg to forward, as further evidence of the justice of said claim, the inclosed affidavit of Charles Benson, a worthy citizen of Marion County, Oregon, to which, in connection with the other evidence, I ask careful consideration.

Respectfully, JOHN H. MITCHELL.

The SECRETARY OF WAR.

Statement of Charles Benson on behalf of William J. Martin, claimant against the United States, the indebtedness having arisen out of a contract made and entered into between the said William J. Martin and First Lieut. G. W. Hawkins, acting quartermaster, U. S. A., then stationed at Oregon City, Oregon Territory, in the month of June, 1849, for the delivery of beef cattle at Fort Hall, in Utah Territory, for the use of the rifle regiment en route to said fort, under command of Colonel Loring, U. S. A.

CHARLES BENSON, of Marion County, State of Oregon, being first duly sworn according to law, deposes and says:

I am a citizen of the United States of America, and of the age of over sixty years; that I am a farmer by occupation, and a resident of Marion County, State of Oregon, and have resided in said county over thirty years, and have known the said claimant, William J. Martin, since and prior to the year 1849. In June, 1849, I was a teamster in the expedition of the Rifle Regiment en route to Fort Hall, Utah Territory, under command of Colonel Loring, U. S. Army, and drove one of twenty-two wagons which formed part of said expedition, all of which said wagons were loaded with quartermaster's stores under Joel Palmer as wagon-master. That the expedition, when ready, consisted of the said twenty-two wagons loaded as aforesaid, and one hundred and twenty-two head of beef cattle, and a large number of loose horses, the whole being under the immediate supervision of said William J. Martin, with Lieutenant Hawkins as commander. The said one hundred and twenty-two head of beef cattle were purchased of A. I. Hembrie, of Yam Hill County, Territory of Oregon, and William Rodgers, D. Harner and G. W. Garrison assisted in driving the said cattle on the expedition. The was killed by Indians while en route, to wit, at Mud Lake. The expedition set out from Yam Hill County aforesaid on July 4, 1849, and reached Fort Hall the last of September of said year. On our arrival at Fort Hall the cattle and quartermaster's stores were immediately turned over to Lieut. F. Russell, acting quartermaster at said fort. The route taken by the expedition traversed a section of the country wholly uninhabited, except through the Willamette Valley. The route was up the Willamette Valley through Umpqua, Rogue River, and Klamath Valleys, Oregon to Humboldt River, in the State of Nevada, thence up Humboldt to George Creek and Raft River, then down Raft River to what was and is now known as the old emigrant road to Snake River, thence up Snake River to Fort Hall.

All of this distance, except through the Willamette Valley, was infested with savages and hostile Indians. So hostile and warlike were the said Indians in those days of trouble that no one would undertake the delivery of cattle or horses or stores of any kind through a country presenting so many obstacles, difficulties, and dangers without an agreement on the part of the Government to sustain all unavoidable losses they might be subject to. Such an agreement, I was informed and believe, was en-
after entered into by and between Lieutenant Hawkins, on the part of the Government, and the said William J. Martin, the claimant herein. The Indians attacked the said expedition, and stampeded the cattle twice in the Umpqua Canon, where we lost twenty-two head, the only loss sustained during the trip. The expedition reached Fort Hall with eighty-eight head of cattle, the remaining twelve head having been butchered by order, and at the special instance and request of Lieutenant Hawkins, for the use of the expedition and for destitute emigrants.

At the time of the delivery of said cattle and quartermaster's stores to Lieutenant Russell at Fort Hall, neither Lieutenant Hawkins nor Lieutenant Russell had any funds on hand, and therefore even the teamsters and servants of the said expedition, who were in need of and who demanded money, did not get any. I for one endeavored to get some money, but failed to get any, for the reason that the said lieutenant had no funds on hand. I was informed that a contract was entered into between said Lieutenant Hawkins on the part of the United States, wherein and whereby the said William J. Martin agreed to deliver to Fort Hall aforesaid several thousand pounds of beef, for which Lieutenant Hawkins agreed to pay him therefor. I was not present at the time said contract was entered into, and therefore am unable to state the particulars thereof, but from the knowledge I have of the character of said William J. Martin, and the reputation which he enjoys as an honest, conscientious man, I am satisfied that his claim against the United States is just and reasonable.

I further swear that during the early part of the spring of 1850 the said Lieutenant Hawkins lost his reason and became hopelessly insane, which insanity continued unabated during all the subsequent time he remained on the Pacific coast. He was brought to Oregon City in the spring of said year, and shortly afterward was removed to Vancouver and placed in charge of Captain Morris, U. S. Army. That I visited him several times during the summer of 1850 (60), and found each time that his mind and memory was gone and his reason completely dethroned, and that mentally he was in such a condition that he was unable to transact business of any kind.

That he never afterward recovered his reason while a resident of this country, and that his insanity continued unabated until the time of his dissolution, which occurred in one of the Atlantic States some time after his removal thereto.

I further swear that William J. Martin, the claimant herein, is a respected citizen of Douglas County, in the State of Oregon, and that I believe the said claim against the United States is just and reasonable, and that I have no pecuniary interest in the said claim directly or indirectly.

I further swear that the foregoing is a true and correct statement of facts respecting said expedition and claim of said William J. Martin against the United States.

CHILLES BENSON.

Subscribed and sworn to before me this 16th day of September, A. D. 1884. In witness whereof I have hereunto set my hand and affix my notarial seal the day and year above written.

S. F. CHADWICK,
Notary Public for Oregon.

Hon. John H. Mitchell renews his application for a consideration of the claim of W. J. Martin, arising out of a contract for beef cattle in 1849.

The claim was reported on by this office under date of February 13 last, and the opinion expressed that claimant, not having shown that he was under any disability to make and present his claim within a reasonable time after it accrued, it was too late to consider it in the Department, and it ought to be dismissed. Mr. Mitchell was thereupon informed by Mr. Secretary Lincoln that the claim was disallowed.

He now incloses a sworn statement of Mr. Martin, which, he suggests, meets the objection to the claim heretofore made.

In this paper Mr. Martin, after recapitulating some of the facts and circumstances referred to in his previous statement, relates his efforts to obtain a consideration of his claim, as follows:

About the last part of 1850 claimant wrote to General Wool, commanding Division of the Pacific, asking him if he had authority to order the quartermaster at Oregon City to settle the claim. General Wool informed him that he had not, and advised him to wait till Lieutenant Hawkins recovered, when he could procure vouchers and get his pay without trouble. That just before the close of that year claimant sent his brother to Oregon City to see the regimental quartermaster and learn what could be done to settle the claim, when a brother-in-law of the quartermaster offered him $3,500 in goods for a clear receipt for the claim. Claimant's brother declining this offer, the matter remained as it was. That in 1853 claimant employed Mr. David Logan as attorney to prosecute the claim. After considerable correspondence he was informed by the head of one of the Departments in Washington that much trouble and delay would be experienced in its collection unless the necessary vouchers could be
obtained. Mr. Logan continued to press the matter from time to time until 1860, when he declared that nothing further could be done unless a relief bill could be got through Congress. That after the breaking out of the rebellion Mr. Martin was informed by many leading men in whose judgment he had confidence that it would be of no use to undertake to collect his claim in the then excited condition of the country, and that he had better wait until peace was restored. That after the war was over he wrote to several law firms in Washington to ascertain what it would cost to collect the claim. The best terms he could get were a fee of 10 per cent. in advance and half of the amount collected. Not being able to advance the 10 per cent. required, he could not employ an attorney at the capital. That having learned through Col. J. W. Nesmith, then a Representative in Congress from his State, that the Quartermaster-General would receive testimony on the subject, he found himself unable to furnish testimony at that time, owing to the fact that he was not able to find the parties who were with the expedition, none of them being in the State except Mr. Hatton.

Mr. Martin adds: "It will be observed from the foregoing that I have made every reasonable effort consistent with the unfortunate situation to collect my claim, but owing to the peculiar and unfortunate circumstances which surrounded it from the beginning, I have been unable to procure any decision except from the late Secretary of War, which was adverse to my claim."

[First indorsement.]

WAR DEPARTMENT, May 26, 1885.

Respectfully referred to the Acting Judge-Advocate-General.

JOHN TWEEDALE, Chief Clerk.

[Second indorsement.]

WAR DEPARTMENT, JUDGE-ADVOCATE-GENERAL'S OFFICE, June 4, 1885.

Respectfully returned to the Secretary of War, with expression of opinion that the reasons set forth in the affidavit of the within claimant, why he permitted his claim against the United States to lie dormant for nearly thirty-six years are insufficient to relieve it from the imputation of staleness.

It clearly falls within the rule laid down by Mr. Justice Story, in the case of Willard et ux., administrators, v. John Dorr, as follows: That it is the habit of United States courts to refuse their aid in favor of old and dormant claims.

"The repose of the commercial world requires this forbearance, for otherwise demands would perpetually spring up after the evidence to refute them was gone by the death or dispersion of witnesses or the loss of important documents." (3 Mason C. C., p. 164.)

It is advised that the claim be not entertained.

THOMAS F. BARR, Acting Judge-Advocate-General.

[Third indorsement.]

WAR DEPARTMENT, June 9, 1885.

Action in this case will be suspended for the present, in compliance with the verbal request of Hon. J. H. Mitchell.

By order of the Secretary of War:

JOHN TWEEDALE, Chief Clerk.

UNITED STATES SENATE, Washington, D. C., May 13, 1886.

Sir: Will you kindly advise me as to the present status in your Department of the claim of Col. William J. Martin, of Oregon, for supplies furnished the Army in Oregon and Washington Territory many years ago? I forget the year. Please advise me as to the amount and character of the claim made by Colonel Martin. As early an answer as practicable is desired.

Respectfully,

Hon. W. C. Endicott, Secretary of War.

P. S.—I presented this claim for Mr. Martin over a year ago.

J. H. M.

S. Ex. 187—2
SIR: I have the honor to acknowledge receipt of your request of the 13th instant for advice as to the status, amount, and character of the claim of William J. Martin.

In reply I beg to inform you that the claim is for a balance, $7,510, alleged to be due under a contract for beef cattle made with Lieut. G. W. Hawkins, in June, 1849, and interest on said balance for thirty-five years; total amount claimed, $23,531.23.

The Acting-Judge Advocate-General reported upon the claim June 4, 1885, as follows: "The reasons set forth in the affidavit of the within claimant why he permitted his claim against the United States to lie dormant for nearly thirty-six years are insufficient to relieve it from the imputation of staleness. It clearly falls within the rule laid down by Mr. Justice Story in the case of Willard et ux., administrators, v. John Dorr, as follows: 'That it is the habit of United States courts to refuse their aid in favor of old and dormant claims. The repose of the commercial world requires this forbearance, for otherwise demands would perpetually spring up after the evidence to refute them was gone by death or dispersion of witnesses or the loss of important documents.' It is advised that the claim be not entertained."

The views therein expressed are concurred in by this Department.

Very respectfully,

WM. C. ENDICOTT,
Secretary of War.