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John Cullins [to accompany bill H. R. no. 304].

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JOHN CULLINS.

[To accompany bill H. R. No. 304.]

FEBRUARY 14, 1834.

Mr. CHILTON, from the Committee on Invalid Pensions, made the following

REPORT :

The Committee on Invalid Pensions, to which was referred the petition of John Cullins, report:

The memorialist states, that in the month of August, in the year 1777, while a resident of Hampshire county, Virginia, he volunteered under Captain William Foreman; marched to Pittsburg, and joined the troops under the command of General Hand. Then marched to Wheeling, where he remained some weeks; and from thence, in company with a scouting party, commanded by Captain Foreman, marched to Grave creek, and on their return to Wheeling were attacked by a body of Indians, and in the engagement memorialist had his right leg broken by a ball; the most of the party being cut off. That his leg has been disabled from that time to the present, and he has been prevented from obtaining a subsistence by any kind of labor. He further states that he is in his seventy-sixth year of age, and very poor and needy. This memorial is sworn to before a justice of the peace, and duly certified; but the justice says nothing of the credibility of the memorialist.

John Green states, on oath, that the morning after the engagement with the Indians, near Grave creek, he was passing up the Ohio with a boat, and that the memorialist was brought to his boat and put on board, with his leg broken, and that it was said to have been done in the engagement. The certifying magistrate says nothing of Green's credibility. The same witness, Green, has made a second affidavit, in which he states that he knew Cullins at Wheeling, while in the service, and speaks more particularly of the Indian battle and the wound, but evidently from rumor, except as to the condition of the man, when he found him at the battle ground, on the day after the battle. Nothing is said in the certificate appended to his second affidavit concerning his credibility.

Catherine Pettit states, on oath, that she was acquainted with the memorialist; and that some time in the last of September, 1777 or 1778, he belonged to Captain Foreman's company, which was stationed at Wheeling, Virginia, and that, in an engagement with the Indians, they broke his leg, and that she attended to him, furnishing him with provisions, &c. She does not state whether she had a personal knowledge of the manner

of the wound being inflicted, or whether it was from rumor that she obtained her information. Nothing is said in the certificate of either the justice or clerk of the credibility of the witness.

James Callahan, Isaac Beaty, and Benjamin Stage, severally swear that they are well acquainted with the memorialist, and with his circumstances; that they have known him for nine years past, and his entire property does not exceed one hundred and ten or fifteen dollars; that they believe him to be about seventy-five years old.

D. W. Rhodes, surgeon and physician, certifies, on oath, that the memorialist appears to have been injured by a gun shot in the right leg, the wound commencing three or four inches above the ankle joint, fracturing both bones, and ranging upwards, and passing out three or four inches above its entrance, on the opposite side of the leg, thereby carrying away the principal part of the bloodvessels and nerves; and the bones having reunited in such a manner as to produce considerable projection and crookedness. He thinks the memorialist has been disabled from the time of receiving the wound, and that it should be considered *total disability*.

Doctor Robert Mitchell, a member of Congress, of this committee, certifies that he considers the disability *total*. He describes the wound as in the foregoing certificate of Rhodes. And now the question to be decided is, whether or not the proof of service, and the infliction of the wound, while in service, is satisfactory or not. It appears that nearly all the persons engaged in the battle were killed, which might account for the fact, that no testimony is adduced to prove that the wound was actually received in the service, besides the statement of the memorialist, and the rumor of the day. Nothing is said on the subject of the application being so long postponed, nor why it has not been made at the Pensioning Department. On a view of the whole case, the committee are of opinion that the prayer of the memorialist should be granted, and that eight dollars per month should be allowed him, commencing on the 1st January, 1834. Doctor Mitchell, of the committee, certifies that the memorialist, and his witnesses, are highly credible. They report a bill.