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Pierre Gamblins.

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PIERRE GAMBLINS.

MARCH 4, 1834.

Read, and laid upon the table.

Mr. E. WHITTLESEY, from the Committee of Claims, made the following

REPORT:

The Committee of Claims, to which was referred the petition of Pierre Gamblins, report:

The petitioner, who says he was in the military service of the United States, asks to be paid the value of his horse, which, he says, he lost while in said service, and refers to the proofs that accompany his petition to sustain his claim.

He makes oath that he was a private in a company of rangers; that, in March, 1813, his horse was seized by the Indians at Lisman's fort, about twenty-one miles north of Vincennes, and carried off; that he was dismounted by order of his commanding officer; and that a greater degree of care could not be exercised by him, situated as he was, and bound to obey in all cases. He was at the time on a scouting party, under the immediate command of Sergeant Westrope. He says his horse was worth sixty dollars.

Michael Richardville testifies he was a member of the same company, and knows the petitioner was dismounted by order of his officer; that the horse was seized and taken by the Indians, and was worth about sixty dollars.

Pierre La Plant testifies he was a sergeant of the company of which the petitioner was a private, and that he knows the petitioner's horse was taken and seized by the hostile Indians while on a scouting party, detached from his company of rangers, under the command of Sergeant Westrope; that he was acting under the command of his officer in pursuing said horse, and was dismounted by order of his officer.

This claim is presented, and it is designed by the proof, to bring it within that section of the act of April 9, 1816, which provides payment for those mounted volunteers who lost their horses by reason that they were dismounted by the order of the commanding officer. It is known that this part of the law had reference to those cases where a mounted volunteer or militiaman was in the military service of the United States, and being dismounted, and ordered to do duty detached from his horse, his horse was lost or destroyed. This was founded on the principle that the mounted men entered the service under a contract, that they were to do duty on horseback, which would enable them to take care of their horses,

and be with them. The service requiring that they should be dismounted, and do duty on foot, they were separated from their horses, and the order which thus detached them was a violation of the contract on the part of the United States. These mounted men, being detached from their horses, and sent on remote expeditions, as in the case of Governor Shelby's command, which was dismounted at Portage river, on the peninsula of Sandusky bay, in Ohio, and crossed the lake into Canada, were prevented from looking after, and taking care of their horses. By the law, and the terms of the contract, they were to furnish their own horses, and run all risks, except the risk of their horses being wounded or killed in battle. The owners being dismounted, and detached from their horses, was the cause of the losses they sustained, in many instances, by the death of their horses, and, in other instances, by their having strayed away, and not been reclaimed. In deciding these cases, the order of the officer directing the men to be dismounted, and to go on duty detached from their horses, was required to be produced by the claimant, or the deposition of such officer proving what order he gave, unless the transaction was of such notoriety as to form a part of the history of the war. Many persons have either misapprehended the provisions of the act referred to, or they have been disposed to evade the spirit and meaning of it, by adhering to the letter. Hence they have presented claims for lost horses by reason of their being dismounted by the command of their officer, when, in truth, the order to dismount was only a military order given to dismount for refreshment, or to take quarters for the night. Many such cases have been exposed by the committee on further investigation, when the evidence was positive the claimant was dismounted by the order of his officer. The committee want the testimony of the officer, and they want facts and circumstances related, so that they may have the whole case before them, and determine from the proof whether the order to dismount was such as would have brought the case within the provisions of the act of April 9, 1816. Without such proof the committee think the petitioner is not entitled to relief. They submit the following resolution :

Resolved, That the prayer of the petitioner ought not to be granted.