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David Fletcher.

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H.R. Rep. No. 26, 22nd Cong., 2nd Sess. (1833)

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DAVID FLETCHER.

JANUARY 4, 1833.

Read, and laid upon the table.

Mr. McINTIRE, from the Committee of Claims, made the following

REPORT:

*The Committee of Claims, to which was referred the petition of David Fletcher, report:*

That the petitioner was a soldier in a company of mounted rangers, having enlisted to serve one year, and served in the company commanded by Capt. Samuel McCormick, and was discharged on the — day of November, 1814. He says he lost a horse in an expedition, under Gen. McArthur, in November, 1814, into Upper Canada, and believes she was taken from camp one night by the Indians. That he had, before said loss, taken another horse from the enemy, which he rode to Baubier's, opposite Detroit, and was there put into a pen with other horses. He states that his term of enlistment was out about the last of November, 1814, and that he continued with the party under Gen. McArthur under the full belief he was to have pay for all losses. Says he was out about fifteen days after the expiration of his term of enlistment, but has never been paid for this extra service, nor for either of the horses. He further states that he had a saddle impressed at Malden by Lieut. Ruck, or Knox. He asks compensation for the saddle, his extra service, and for his horses.

He has sworn to the facts stated in his petition.

Thomas Cook testifies to the loss of the first horse, and to its value, and the value of the saddle, but not to the impressment of the saddle.

Thomas Williams testifies to the loss of the first horse also, and to the belief she was not found.

The committee submitted this case, with that of William Fletcher, for a similar claim, to the Third Auditor of the Treasury, for such information as his office might afford affecting the justice of the claim. His answer, dated December 28, 1832, was received, and is made a part of the report in case of said William Fletcher, and is now referred to, and made a part of this report. The Third Auditor also furnished the committee, for their inspection, with the certificate of discharge of the petitioner, with his account made out from it, and which he receipted, and was filed by the paymaster who paid him.

It appears by this certificate of discharge, that he was discharged the 30th of November, 1814, at St. Mary's, having served out the term of his enlistment. It also appears, by the certificate of discharge of Thomas Williams, one of the witnesses, who has also a similar claim, that he was discharged

on the 22d November, 1814, at Detroit, twenty-two days after the term of his enlistment had expired, and having been retained in service by General McArthur to that time. The same was the case with William Fletcher, whose case has been above referred to. In William Fletcher's and Thomas Williams's cases, it is stated that their terms of enlistment had expired while on the expedition referred to by the petitioner; and that at his (Gen. McArthur's) solicitation, they agreed to serve, and did serve, to the close of the expedition, which, they say, was about thirty days after their term of service expired, on the first of November. The papers show it was 22 days after. The term of the enlistment of the petitioner did not expire till eight days after the discharge of Wm. Fletcher and Thos. Williams, who belonged to the same company and mess, if they are to be believed, and consequently after the termination of the expedition of Gen. McArthur into Upper Canada. If the petitioner means to convey the idea he was out under Gen. McArthur fifteen days on this expedition after his term of enlistment expired, as his language imports, it is not true, as the expedition terminated some days before his term of service expired, and the certificate of discharge expressly states he was mustered for discharge when his term of enlistment did expire.

There is no evidence that his saddle was impressed into the service of the United States.

His horse, according to his own showing, was lost, if not by design, by his negligence, which was a risk of his own. At any rate, it was not lost under circumstances which, under any law or usage of the Government, that would subject it to bear the loss.

The horse which he says he took from the enemy, he is not entitled to compensation for, even if it be true he did take it, as our laws do not recognize the right to capture private property on land, and public property captured from the enemy is to be turned over to the United States. But it is quite probable the horse he rode after the loss of his own was one of those taken and receipted for by the quartermaster, for the purpose of keeping the rangers mounted, and has been paid for by the United States.

The committee report the following resolution;

*Resolved*, That David Fletcher is not entitled to the compensation he claims,