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2-22-1837

James McPherson.

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#### Recommended Citation

H.R. Rep. No. 267, 24th Cong., 2nd Sess. (1837)

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JAMES McPHERSON.

FEBRUARY 22, 1837.  
Read, and laid upon the table.

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

REPORT:

*The Committee of Claims, to which was referred the petition of James McPherson, praying compensation for house-rent, fuel, and subsistence to the Indians, from the year 1812 to the year 1830; for hay destroyed; and for a horse taken by the troops in 1812, report:*

That, at the first session of the present Congress, that part of the petitioner's claim which is for house-rent, fuel, and subsistence for the Indians, which is now exhibited, was presented in the House of Representatives, and referred to the Committee of Claims; which, after a full investigation, made a report unfavorable to it. The facts connected with it, and upon which that report was predicated, will be found in report No. 194; to which the committee refer, as containing their present views, and in the result of which they fully concur.

At the present session, the petitioner has added to his former claim a demand in the following words:

The UNITED STATES,

To JAMES MCPHERSON.....Dr.

1812. To fourteen stacks of hay, destroyed by General Tupper's	
brigade of Ohio militia, supposed value	\$120
To one horse, taken by Major Ball's troops, value	80
	<hr/>
	\$200
	<hr/>

And the evidence upon which this demand is to be sustained, if at all, is the affidavit of William Carrell, in the following words:

STATE OF OHIO, }  
Logan county, } ss.

Personally came before me, Robert Patterson, a justice of the peace in and for the county aforesaid, Wm. Carrell, who, being sworn as the law directs, deposeth and saith, that the above account of James McPherson, against the United States, is just and true.

his  
WILLIAM X CARRELL.  
mark.

Sworn, &c.

This account, with the evidence, &c., is also herewith submitted. The manner of stating this part of the petitioner's claim for the hay and the horse, is not calculated to make an impression favorable to it. It is stated to have originated in 1812; but in what month in that year, or on what day of the month, does not appear; the place where, or the circumstances under which they were taken, are not given; nor, indeed, from any thing before the committee, can they judge whether they were taken by the direction of the officer in command, or as the wanton and unauthorized act of the soldiery; whether they were applied to the use of the Government, or to individual purposes; or whether there was any thing peculiar, which should require the committee to consider it a case forming an exception to the previously established regulations, when examining claims of this kind: all these facts and circumstances are wanting, to secure for it a favorable consideration; and the proof, too, is not less vague and indefinite than the statement of the demand. How does the witness, *Carrell*, know that this "account is just and true?" he does not give time, place, or circumstance, to enable the committee to determine how far his knowledge of the transaction will authorize him to speak in this unqualified manner. He should state how he knew that the account is "just and true;" was he present when it was contracted; and was the hay worth precisely \$120, or was that the supposed value; what month in the year of 1812 was the property taken or delivered—in "January or July; to, and by whom, was it delivered or taken. If this claim is, as the witness says it is, "just and true," why has it not been presented before? why not at the last session, with the other account? It appears, from the accompanying papers, that the petitioner is now a pensioner of the Government; and, from that circumstance, the committee infer that he is not in affluent circumstances. The amount of the petitioner's claim, in all, is \$2,575; and, if it is all "just and true," why permit this amount to remain in possession of the Government unclaimed by one whose comforts, at least, would have been promoted by the possession of it, until nearly the entire generation should have passed away which could be presumed to have possessed a knowledge of the transaction? This circumstance, alone, is one of great weight in the scale of evidence, and would give it a preponderance against a claim of otherwise doubtful merit.

If this claim is well founded, as the committee are willing to believe the petitioner thinks it to be, it will be readily perceived that additional evidence will be required to authorize a favorable action of Congress upon it. As it is now presented, the committee cannot resist the conclusion, that this part of the claim, for the hay and the horse, is entirely inadmissible; and, therefore, offer for the consideration of the House the following resolution:

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