

University of Oklahoma College of Law

University of Oklahoma College of Law Digital Commons

American Indian and Alaskan Native Documents in the Congressional Serial Set: 1817-1899

4-18-1848

J. P. McElrath

Follow this and additional works at: <https://digitalcommons.law.ou.edu/indianserialset>



Part of the [Indigenous, Indian, and Aboriginal Law Commons](#)

Recommended Citation

H.R. Rep. No. 474, 30th Cong., 1st Sess. (1848)

This House Report is brought to you for free and open access by University of Oklahoma College of Law Digital Commons. It has been accepted for inclusion in American Indian and Alaskan Native Documents in the Congressional Serial Set: 1817-1899 by an authorized administrator of University of Oklahoma College of Law Digital Commons. For more information, please contact Law-LibraryDigitalCommons@ou.edu.

Report No. 474.

HOUSE OF REPRESENTATIVES.

J. P. McELRATH.

APRIL 18, 1848.

Laid upon the table.

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

REPORT :

The Committee of Claims, to whom was referred the petition of J. P. McElrath, report:

.That this case has been examined, and, in the opinion of the committee, is not supported by legal evidence. They therefore submit the following resolution:

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

WADESBORO, January 16, 1848.

SIR: I have some delicacy in again calling your attention to the subject of my losses in the Seminole campaign of 1818, nor do I know that I would do so, but on the account of my long illness. I am in a more feeble state of health than I have been for some three years past, which has much embarrassed me—having a large and expensive family to support.

But I know my claim to be just, whether I ever get the amount justly due me or not. I will make a full statement of the case, as it stands at this time. I employed Cave Johnson to attend to the collection of the claim, and I took his receipt for \$105, to be paid in Tennessee bank paper, the amount of my claim; he went to Washington city, and informed me by letter my captain had failed to swear to the justice of my claim as the law directed. I will inform you that my captain had made several starts to run away, and did get off from Henry county, Tennessee, and I think went to Texas. He returned when the law passed for us to get pay for our

property, and made oath to the truth of the certificate, stating on oath that I was on furlough at the time I lost my horse and saddle—that not being the fact. I was left back sick, or at least nine of us sick ones, and as many more to attend to us, and a doctor—for I never had a furlough in my life.

Johnson wrote to me to prove some facts. I proved the same by several witnesses, but it was not the captain as the law required, and would not act. I had a string of certificates, and the same proved and certified, some five or six feet long, all attached to the certificate signed by my captain, and countersigned by my colonel.

I thought, perhaps, that you might have some law passed, by which I might obtain the full amount of my claim. I will not propose by what way that may be done, leaving that with you to determine; if you can obtain the favor I ask of you, I shall feel myself under some obligation to you.

You are acquainted, by long practice, and can determine whether you can do anything for me or not, so you may determine and act in accordance.

Mr. Boyd, I am confined chiefly to the house. I would be glad to receive such information as you may think of interest to me—all of which will be joyfully received by me.

Nothing more at this time, only I remain your friend, etc.,

J. P. McELRATH.

L. BOYD, *Washington city, D. C.*

TREASURY DEPARTMENT,
Third Auditor's Office, February 18, 1848.

SIR: I have the honor to acknowledge the receipt of your letter of the 16th inst., "requesting me to furnish, for the use of the Committee of Claims of the House of Representatives, the papers and a statement of the claim of John P. McElrath for the loss of a horse in the military service of the United States," and in reply thereto, have to inform you that no claim in the name of said John P. McElrath can be found to have ever been presented to this office. There appears, however, to have been transferred to this office in January, 1824, by the Hon. Secretary of War, a claim in the name of John McElrath, late member of Captain Hanna's company of Tennessee mounted gunmen, for a horse and equipage lost during the Seminole campaign, the papers in which were, on the 5th of January, 1824, returned to the Hon. J. B. Reynolds, with a letter explanatory of the objections to the allowance thereof—a copy of which is herewith enclosed.

I have the honor to be, very respectfully, your obedient servant.

PETER HAGNER, *Auditor.*

HON. JOHN A. ROCKWELL,

Ch'n Com. Claims, Ho. of Reps., Washington.

TREASURY DEPARTMENT,
Third Auditor's Office, January 5, 1824.

SIR: The Secretary of War having referred to me your letter of the 2d instant, enclosing the claim of John McLeroth, late member of Captain Hanna's company of Tennessee volunteers, mounted gunmen, for a horse and equipage lost during the Seminole campaign, I have the honor to state, in relation thereto, that the roll of losses furnished by Captain Hanna, pursuant to the regulations, contain no entry of this claim, and that it has been found the claimant is noted on the muster-roll "on furlough."

Before therefore the claim can be decided on, in addition to the testimony now exhibited, a supplemental roll, wherein the claim and the manner of the loss shall be set forth, must be produced, and which should be sworn to by the officer commanding the claimant at the time the loss happened; and this officer, it is believed, was not (if the claimant was then with the company, but which is not ascertainable from the muster-roll—the remark not mentioning when the furlough was granted) Captain Hanna, but his first lieutenant, Richard Warner, by whom, as such, the muster-roll made at the termination of the campaign, is certified.

I have the honor to be, very respectfully, your obedient servant,
PETER HAGNER, Auditor.

To the Hon. J. B. REYNOLDS,
House of Representatives, Washington.