

DANIEL MCKINNEY.

[To accompany bill H. R. No. 367.]

JANUARY 9, 1838.

Mr. CHILDS, from the Committee on Revolutionary Pensions, made the following

REPORT:

The Committee on Revolutionary Pensions, to whom was referred the petition of Daniel McKinney, adopt the following report, which was made to the House at the last Congress, by the Committee on Revolutionary Pensions:

That, from the petitioner's statement, it appears that he is seventy-two years of age; that he entered the service of the United States at Muncy, in Pennsylvania, about the 1st of April, 1779, in Captain Berry's company, of Colonel Arthur's regiment; that he was on duty in Wallace's fort; was sent out, about the 25th of said month of April, with a party to scout; and whilst so engaged, were surprised by a party of Indians at Loyal Sock creek, where they had an engagement with the Indians, in which five of his comrades were killed, and seven, including the petitioner, taken prisoners, and carried to Seneca Lake to Colonel Butler, who commanded Indians and refugees. Petitioner remained there till September, when he was marched to Niagara Fort, and then put under Colonel Bolton, of the British army; remained there till 1783, when he was sent to Oswego, and detained till the spring of 1784, and then sent with other prisoners to Montreal; and, after being kept there a short time, was sent to Lake Champlain, and from thence to Ticonderoga, and from thence to Skeensboro' in boats, and given up; thence your petitioner went to Albany, and from thence to Amboy, and there discharged; having been a prisoner during the whole time of his capture until his discharge in 1784.

Hiland B. Hall and John H. Gardner, who are represented to be men of credibility, testify that they are neighbors to the petitioner, and that he is reputed and believed, in the neighborhood, to have been a soldier of the revolutionary war, and to have been a prisoner, as he states.

Cornelius Wickoff testifies that the petitioner is well known to him; that he lived with deponent's father in 1779; that petitioner went same year into the service under Captain Berry. Deponent belonged to and served in the same company, and was taken prisoner at the same time with petitioner; (the statement of the captivity is fully corroborated by the witness.) The witness is seventy-two years of age.

William Wickoff testifies that the petitioner lived with deponent's father in 1779; that same year he went into the service in Captain Berry's company; that the deponent was made a prisoner in 1778, at which time petitioner lived with deponent's father; that in May, 1779, the witness saw the petitioner a prisoner on the west side of the Cayuga lake, with the Indians; that while there, the petitioner was taken away, and the deponent did not see him again till 1784.

Robert Covenhoven testifies that he is eighty years of age; that he knew the petitioner since twelve years old; that deponent assisted in building Fort Wal-
Thomas Allen, print.

lace, in Pennsylvania, in 1778; that the petitioner joined Captain Berry's company, and was on duty in said fort; that in April, 1779, fifteen of their number, including the captain, were out upon a scout; and at Loyal Sock creek, while searching for some horses that had been taken by the Indians, they were fired upon by Indians, and eight, including the captain, were killed; six of the number, including deponent's brother and the petitioner, were taken prisoners; deponent was the only one who escaped. Deponent knows well that Fort Wallace was built under direction of State officers. Petitioner was about eighteen years old when taken.

Hon. Joseph B. Anthony testifies that he is well acquainted with Fort Wallace, and that he has no doubt that Fort Wallace was garrisoned by Pennsylvania troops, by authority of the officers of the army of the Revolution.

A number of letters from the pension agent have been received, stating the grounds upon which the pension was refused to be granted by the Department. They were all written prior to the testimony of Mr. Covenhoven and General Anthony, and relied upon the grounds that the fort (Wallace) was not a public fort, or not built by State authority, nor garrisoned by State troops.

The letter received from the agent, since the filing of the last testimony, is based upon the same ground, and takes some exception to some of the statements of Mr. Covenhoven, and still persists in the objection that the petitioner was not in the service, as a militiaman, under competent authority; that the petitioner must have been too young; and that Fort Wallace could not have been a public fort.

The captivity and detention are not questioned, but the Department say, "the evidence is not sufficient to show that the claimant either belonged to the militia at the time, or, if he did, that he was in actual service under his obligations as a militiaman, duly draughted into the service."

The committee would observe that the witnesses who testify in this case are certified to be reputable and credible men; and whatever restrictions the rules and regulations of the Department, in relation to granting pensions, may require upon testimony, they cannot conceive that stronger testimony, to prove that the petitioner was stationed at Fort Wallace in defence of the country, and, while in defence of the country, was made a prisoner and detained from 1779 to 1784, could well be obtained; they therefore report a bill.