

Report No. 43.

[To accompany bill H. R. No. 732.]

HOUSE OF REPRESENTATIVES.

WILLIAM B. CREWS.

JANUARY 24, 1849.

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

REPORT:

The Committee of Claims, to whom were referred the petition and papers of William B. Crews, report:

That the papers being brief, sufficiently explain themselves without elaborate comment, and are, therefore, annexed hereto and made part of this report. From these it will be seen that the petitioner served as a mounted volunteer in a company of riflemen in the service of the United States, from the 8th day of August, 1837, to the 14th day of February, 1838, but has been paid for only two months and twenty days' services. The committee herewith report a bill directing him to be paid for the remaining term of three months and fourteen days.

To the honorable the Congress of the United States, at its sessions of 1842:

The declaration and petition of William B. Crews, of Macon county, North Carolina,

RESPECTFULLY REPRESENTS:

That on or about the 8th day of August, 1837, he was mustered into the service of the United States, at Fort Butler, now Cherokee county, North Carolina, by Lieutenant Montgomery, as a mounted volunteer, where he served as a second corporal, from then till about the 14th day of February, 1838, when he was discharged from the service in the company; that for two months and twenty days he has received his pay from Major Bennett, as will appear

by reference to the books of the War Department; but for the remainder of the time which he served, amounting to about three months and fourteen days, he has received no compensation whatever; that he made application to the Secretary of War for his pay, to which he received, in answer, the letter which is hereunto appended, marked A, and prayed to be taken as a part of this petition; from which letter it appears that the accounting officers can only look to the muster rolls for the evidence of any such claim, and be governed by that only; that from the omission or neglect of some one, it appears the muster rolls of Major Paine (or his representative, Colonel Powel, the mustering officer) has never reached the department, as your petitioner is informed, and that the name of your petitioner does not appear for that time. Now, therefore, your petitioner here proposes to supply that proof by the affidavit of Lieutenant John B. Dickey, which is hereunto appended, marked B, and prayed to be of this petition. And your petitioner would further represent that, inasmuch as the muster rolls of Colonel Paine are out of their proper file, your petitioner is wholly remediless, save only by some action which your honorable body may make in his behalf; that he is quite a poor man with a family, and much needs the proceeds of all his labor, and that this is a claim which he thinks the government is justly due him, and that an investigation of his case will show the equity and justice of his claim.

Your petitioner, for the reasons set forth in the premises, most respectfully requests that his petition may be heard, and that his pay may be awarded to him according to his service, as set forth in the premises; and your petitioner, as in duty bound, will ever pray, &c.

W. B. CREWS.

A.

TREASURY DEPARTMENT,
Second Auditor's Office, June 30, 1842.

SIR: In answer to your letter of the 24th inst., with its enclosures to the Secretary of War, as referred to this office, I have the honor to state that the claim of William B. Crews has been again examined, and he is found to have been paid in full as a corporal of Captain J. Truit's company of mounted North Carolina militia, from 8th August to 31st October, 1837, \$101 13, and that his name does not appear on the rolls of the company, for its service from 1st November, 1837, to 18th July, 1838, when it was discharged. And inasmuch as the accounting officers are governed by the muster roll, and that only, the depositions of John A. Hall and John B. Dickey are herewith returned.

I am, sir, very respectfully, your obedient servant,

W. B. LEWIS.

To Hon. JAMES GRAHAM,
House of Representatives.

B.

STATE OF NORTH CAROLINA, }
Macon county. } ss.

This day came before me, J. M. Bryson, an acting justice of the peace in and for said county, John B. Dickey, and maketh oath in due form of law, and sayeth that he was a first lieutenant in a company of North Carolina volunteers, mustered into the service of the United States, under Isaac Truit, captain, and John A. Hall, second lieutenant, by Lieutenant A. Montgomery, of the United States army, on the 8th day of August, 1837, and that William B. Crews served in the said company of volunteers as a second corporal, from the 8th day of August, 1837, until the 14th day of February, 1838, or thereabout, and that he (Crews) was then discharged from the company and from the service, and that he (Crews) has received pay for two months and twenty days' service, as will appear from the pay-roll, as per Major Bennett, at Fort Lindsey, North Carolina, and that if he (Crews) has received any other pay for his services this affiant hath no knowledge of that fact, but that this affiant hath reasons to believe and does believe that through some neglect either of the mustering officer, the captain, or some other person to this affiant unknown, the said Crews hath received no other compensation whatever, and further this deponent sayeth not.

JOHN B. DICKEY,
1st Lieutenant.

Sworn to and subscribed, this 24th day of December, 1840.

J. M. BRYSON, J. P.

STATE OF NORTH CAROLINA, }
Macon county. } ss.

I, John Hall, clerk of the court of pleas and quarter sessions for the county of Macon aforesaid, do hereby certify that Jonathan M. Bryson, whose name is signed to the within affidavit, is an acting justice of the peace in and for the county of Macon aforesaid, and that full faith and credit is, and ought to be, attached to all his official signatures as such.

In testimony of which, I have set my name as clerk aforesaid, [L. s.] and have affixed the public seal of my office, at office, the 24th day of December, 1840.

JOHN HALL, *Clerk.*

STATE OF NORTH CAROLINA, }
Macon county. } ss.

This day personally appeared before me, a justice of the peace of said county, David R. Lowry, and made oath that he was an acting assistant quartermaster of a company of mounted riflemen, volunteers in the service of the United States, for the removal of the

Cherokee Indians from North Carolina west of the Mississippi river, and that William B. Crews was 2d corporal in said company; that said William B. Crews was mustered into service on the 8th of August, A. D. 1837, and was dismissed from the service, without the intervention of a court martial or without any opportunity of defence, on or about the 1st of March, 1838; also, that Captain Isaac Truit commanded said company.

D. R. LOWRY.

Sworn to and subscribed before me,

J. L. MOORE, *J. P.*

STATE OF NORTH CAROLINA, }
Macon county. } ss.

I, J. K. Gray, clerk of the court of pleas and quarter sessions for the county of Macon aforesaid, do hereby certify that J. L. Moore, whose name appears to the above affidavit, is an acting justice of the peace in and for said county, and that due faith and credit ought to be given to all of his official acts as such.

In testimony whereof, I have hereunto set my name and affixed the seal of said court, at office, the 24th November, 1848.

J. K. GRAY, *Clerk.*

STATE OF NORTH CAROLINA, }
Macon county. } ss.

This day personally appeared before me, a justice of the peace of said county, John B. Dickey, and made oath that he was 1st lieutenant of a company of mounted riflemen, volunteers in the service of the United States, for the removal of the Cherokee Indians from North Carolina west of the Mississippi river, and that William B. Crews was 2d corporal in said company; that said William B. Crews was mustered into service on the 8th August, A. D. 1837, and was dismissed from the service, without the intervention of a court martial or without any opportunity of defence, on or about the 1st of March, 1838; also that Captain Isaac Truit commanded said company.

JOHN B. DICKEY.

Sworn to and subscribed before me, the 23d day of Oct. 1848.

J. L. MOORE, *J. P.*

STATE OF NORTH CAROLINA, }
Macon county. } ss.

I, J. K. Gray, clerk of the court of pleas and quarter sessions for the county of Macon aforesaid, do hereby certify that J. L. Moore, whose name appears to the above affidavit, is an acting justice of the peace in and for said county, and that due faith and credit ought to be given to all of his official acts as such.

In testimony whereof, I have hereunto set my name and affixed the seal of said court, at office, the 24th day of November, A. D. 1848.

J. K. GRAY, *Clerk.*

SIR: David R. Lowry and John B. Dickey are both well known to me as persons entitled to credit, and I have no doubt of the truth of the statements made by them in these affidavits. I also know James K. Gray to be clerk, as he represents, and his signature as above written is known to me to be genuine.

T. L. CLINGMAN.