

JAMES P. H. PORTER.

[To accompany bill H. R. No. 264.]

FEBRUARY 25, 1846.

Mr. COCKE, from the Committee on Invalid Pensions, made the following

REPORT :

The Committee on Invalid Pensions, to whom were referred the petition and papers of James P. H. Porter, having had the same under consideration, beg leave to submit the following report :

That in the year 1813, Major Porter, the petitioner in this case, served a campaign as major of cavalry in the Creek war under Brig. Gen. White. When he entered the service aforesaid, he was engaged in a lucrative practice of the law in the State of Tennessee. He possessed a strong and vigorous constitution, and was in the enjoyment of fine health. He volunteered into the service aforesaid for a period of three months, and was mustered into the service of the United States at Knoxville, East Tennessee, upon the 23d day of September, 1813. From thence he marched to Fort Armstrong, upon the Coosa river. Shortly after reaching the Coosa river, the petitioner, with the troops under his command, together with the regiment of mounted riflemen commanded by Col. Samuel Bunch, were ordered by Major General John Cocke to march, under the command of Brigadier General James White, to the Hillabee towns, at which place a portion of the Creek Indians were embodied. After a bloody struggle, they succeeded in taking the towns, having killed seventy-five Creek warriors, and taken as prisoners about three hundred and fifty women and children and thirty-seven warriors. The warriors were placed in charge of the petitioner, who conducted them to headquarters, and delivered them to the commanding general.

On leaving Fort Armstrong for Hillabee, a distance of upwards of fifty miles, petitioner was ordered by his commanding officer to draw but four days' rations for himself and troops, one day's rations of which were consumed while crossing the Coosa river. They were out upon this service fourteen days, during all which time no other supplies were furnished them by the government, nor could any other be had, except some corn which they obtained from the Indian fields, most of which was so much injured by the frost as to be almost entirely unfit for use. During the time that this detachment was out, it rained much, and being separated from their baggage and tents, the troops were compelled to sleep upon the cold, wet ground, without shelter or protection from the weather. In consequence of which privation and extreme exposure, petitioner was afflicted with dyspepsia and a confirmed disease of the liver. In order that the mer-

its of this case may be better understood, your committee beg leave here to incorporate in their report the deposition of the Hon. Robert M. Anderson, one of the judges of the circuit court in the State of Tennessee. He states "that he volunteered as a private in a company of cavalry commanded by Captain James Anderson, of the county of Knox, in the squadron of cavalry commanded by Major James P. H. Porter, of Sevier, to serve a three months' tour against the Creek nation of Indians; was mustered into the service of the United States at Knoxville, Tennessee; marched from thence to Hiwassee garrison, Lookout mountain, and Coosa river, where Fort Armstrong was built, at which place the army was joined by Major General John Cocke; and shortly after his arrival, said general ordered General James White, with the regiment of mounted riflemen commanded by Colonel Samuel Bunch, and the squadron of cavalry commanded by said Major Porter, against the Hillabee towns, in the Creek nation; that the said troops, when they left the Coosa river, opposite Fort Armstrong, had but three days' rations, and received no other supply until they returned, and that they were gone on said expedition fourteen days, separated from their baggage, tents, and supplies; that the weather was rainy most of the time, and that they had to subsist mostly alone on damaged corn for ten or eleven days, and could not obtain enough of that; they had to sleep on the wet ground, in the rain, without shelter or protection from the weather, and frequently had to rise in the night to warm and dry themselves by their fires, it being the month of November; that he obtained a furlough, at the mouth of Sillico, on reaching the white settlements, to go home, and to meet his squadron at Knoxville to be discharged; that having served the time for which they volunteered, they were discharged and paid off at Knoxville by Captain Apha Kingsby; that he, shortly after the return of Major Porter home, heard of his being sick, and it is generally known by all his acquaintances that his health has been bad ever since he reached home from the Creek nation; and affiant knows that Major Porter lay a long time in Knoxville, under the care of Doctor Wyatt, while laboring under disease of the liver. (Dr. Wyatt is now dead.) He has been for a number of years intimately acquainted with Major Porter; knows his health is destroyed, his constitution broken, and believes he contracted his disease while in the service of the United States in the Creek nation. He also knows that General James White, Major Porter's commander, has been dead a number of years. Affiant further states that Major Porter was in good health when he took command of the squadron to which he (affiant) belonged."

Much testimony has been taken in this case, which sustains the facts set forth in the petition, and corroborates the statement of Judge Anderson. Two reputable physicians depose that the disability of Major Porter is total.

This claim has been presented to the Commissioner of Pensions for his adjudication; but it was rejected on the ground that there was no positive proof that the disease under which the petitioner is laboring proceeded from any of the causes set forth in the petition. Your committee are aware of the difficulty of making such positive proof as is required at the department after a lapse of thirty years from the time when the disease was contracted; but when it is recollected that at the time Major Porter entered the service, he was in the prime of life, with a strong and vigorous constitution, his extreme exposure in executing the lawful commands of his superior officers, his immediate affliction consequent upon such exposure,

with a long and uninterrupted continuance of enfeebled health and ruined constitution, none can doubt as to the cause of such disease. Major Porter was a man of some property when he entered the service of his country, but it is now all consumed in sustaining him in his affliction. He states in his petition that he had hoped that his property would have supported him through life, without asking this favor of the government; but poverty has overtaken him in his old age, and he is forced to ask relief from his country, in whose service he has lost his health and constitution. Your committee think him entitled to such relief, and herewith report a bill accordingly.