

MADISON PARTON.

[To accompany bill H. R. No. 54.]

DECEMBER 20, 1853.

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

REPORT.

The Committee of Claims, to whom was referred the petition of Madison Parton, report:

That the papers accompanying said petition, and submitted with it to the committee, show that the petitioner served as first sergeant in a rifle company of United States volunteers commanded by Captain J. Truit, from the 8th day of August, 1837, to the 8th day of February, 1838; and that he has been paid only for two months and twenty days. The committee herewith report a bill to pay him for the remaining time he served, three months and ten days, and recommend its passage.

To the honorable the Congress of the United States at its session of 1852 :

The declaration and petition of Madison Parton 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 Lieut. Montgomery, as a mounted volunteer, where he served as an orderly sergeant from that day until about the 8th day of February, 1838, when he was discharged from service in the company; that for two months and twenty days he has received his pay, 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 ten days, he has received no compensation whatever; that he made application to the Secretary of War for his pay, and was informed 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 neglect or omission of some one, the name of your petitioner does not appear on the muster-rolls returned to the department. Now, therefore, your petitioner here proposes to supply that proof by the affidavits of George W. Dickey and George W. Hayes, which are hereto appended. And your petitioner further represents, that inasmuch as the muster-rolls of the company have not been properly kept and returned, he has no

remedy but by application to your honorable body. He thinks an investigation of his case will show its justice and equity. Your petitioner asks that his pay may be awarded to him from the 1st of November, 1837, to the 8th of February, 1838, according to the premises.

MADISON PARTON.

By JUNIUS HILLYER.

STATE OF NORTH CAROLINA, *Cherokee county*:

This day personally appeared before me, William Manchester, one of the acting justices of the peace in and for said county, George W. Hays, and after being duly sworn according to law, deposeth and saith that Madison Parton was orderly sergeant in Captain Truit's company of North Carolina mounted volunteers, and was mustered into service at Fort Butler, in the Cherokee part of North Carolina, now Cherokee county, on the eighth day of August, one thousand eight hundred and thirty-seven, by Lieut. A. Montgomery, United States officer; and that he served as sergeant in or about six months in said company as orderly sergeant.

G. W. HAYES.

Sworn to and subscribed before me the 22d day of July, 1848.

WM. MANCHESTER, *J. P.*

STATE OF NORTH CAROLINA, *Cherokee county*:

I, Drury Weeks, clerk of the court of pleas and quarter sessions for said county, do hereby certify that William Manchester, esq., whose name appears to the foregoing affidavit, is and was a commissioned and qualified justice of the peace in and for said county at the time of signing the same, and his signature purporting to be his name is genuine, and is entitled to full faith and credit to all his official acts as such.

In testimony whereof, I have hereunto set my name as clerk
[L. s.] aforesaid, and affixed my seal of office at office in Murphey,
the 22d day of July, 1848.

DRURY WEEKS, *Clerk.*

STATE OF NORTH CAROLINA, *Cherokee county*:

This day personally appeared before me, William Manchester, one of the acting justices of the peace in and for said county, George W. Dickey, and after being duly sworn according to law, deposeth and saith that Madison Parton, the petitioner in this case, was orderly sergeant in Capt. Isaac Truit's company of North Carolina mounted volunteers, and was mustered into service at Fort Butler, in the Cherokee part of North Carolina, now Cherokee county, on the eighth day of August, one thousand eight hundred and thirty-seven, by Lieut. A.

Montgomery, United States officer; and that he served as orderly sergeant in or about six months in said company.

GEORGE W. DICKEY.

Sworn to and subscribed before me, this 13th day of September, 1848.

WM. MANCHESTER, *J. P.*

STATE OF NORTH CAROLINA, *Cherokee county*:

I, Drury Weeks, clerk of the court of pleas and quarter sessions for said county, do hereby certify that William Manchester, esq., whose name appears to the foregoing affidavit, is and was a commissioned and qualified justice of the peace in and for said county at the time of signing the same, and his signature purporting to be his name is genuine, and is entitled to full faith and credit to all of his official acts as such.

In testimony whereof, I have hereunto set my name as clerk
[L. S.] aforesaid, and affixed my seal of office at office in Murphey,
this 13th day of September, 1848.

DRURY WEEKS, *Clerk.*

TREASURY DEPARTMENT,
Second Auditor's Office, August 5, 1847.

SIR: Your letter of 29th June, 1847, addressed to the Secretary of War, was referred to this office 9th July, 1847. On examination, I find but one company roll on file of Captain Truit's company, (Isaac Truit;) which rolls cover the time from 1st November, 1837, to 18th July, 1838. On this muster and pay-roll the name of Parton does not appear. Before further searching can be directed under the present pressure of business, it will be necessary for you or Parton to give dates of service, time he entered, when his duties ceased, whether under discharge of the company or individually; give all the information you possess; was the company commanded by any other officer, &c.

Respectfully, &c.,

JOHN M. McCALLA, *Second Auditor.*

To Mr. JEHU TRAMMEL,
Habersham County, Ga.

TREASURY DEPARTMENT,
Second Auditor's Office, December 6, 1851.

SIR: In reply to the letter of J. Trammel, which you submitted for perusal on the 5th instant, I beg leave to say that Madison Parton is borne on the rolls of Captain Isaac Truit's company of mounted North Carolina militia as first sergeant, from 8th of August to 31st of October, 1837, and paid for that period. The company roll, from November 1, 1837, to July 18, 1838, does not report his name; consequently the accounting officers cannot allow pay, &c., to Madison Parton for

any period of time not noted on the roll as having been a member thereof. The muster-roll governs in the adjustment of claims of this character. The case of William B. Crews, of the same company, alluded to in the letter of Mr. J. Trammel, is in point. An act for his relief was passed by Congress, and approved 18th of July, 1850. By referring to the reports of the committees of the House of Representatives, No. 2, you will see the evidence in the case of Wm. B. Crews, which was submitted to the Committee of Claims. All the papers submitted in the case of Madison Parton are now on file in this office, subject to a future call if they are wanted.

I herewith return you Mr. J. Trammel's letter.

Very respectfully, your obedient servant,

P. CLAYTON, *Second Auditor*

Hon. JUNIUS HILLYER,

House of Representatives.