DAVID TROXEL.

MARCH 3, 1851.
Ordered to be printed.

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

REPORT:

The Committee on Revolutionary Pensions, to whom was referred the petition of David Troxel, respectfully report:

The petitioner represents that he entered the service of the United States as a volunteer under Captain Moses Webb about the year 1799, for a period of nine weeks; that he served under Captain Michael Harrisson about five weeks, year not named; that he served as a substitute for one Abraham Vandeventer three months under Captain James Gregg, under the command of General Sevier, and was engaged in a battle with the Cherokee Indians at Highwassee river, this service being in the year 1780; that in the same year he was draughted, and served for three months in Sullivan county under Sergeant Abraham Britton, and "was sorted to guard the people while they were planting corn;" that in the same year he again served three months as a substitute for William Wyreck, in Sullivan county, under Elisha Cole, ensign, and was there promoted to the office of sergeant, making in all a service of one year and about one-half a month; and he asks a pension for this service.

The petitioner first made an application for a pension for this service April 2, 1838, and then represented himself to be about seventy years of age, but did not say whether he was more or less than seventy. If he was but seventy years of age in 1838, he could have been but twelve years of age in 1780, when he claims to have performed this service, and but eleven years old when he first entered the service. In a supplemental declaration filed by the petitioner on the 14th day of July, 1838, he says he first entered the service when he was only seventeen years of age, and that he was born in the year 1773 or 1774.

In proof of his service he offers the affidavit of one Benjamin Webb, who says that he served three months with the petitioner under Sergeant Abraham Britton, in or about the years 1779 or 1780. Also the affidavit of Richard Glover, who says that he had heard that the petitioner served as the substitute of Abraham Vandeventer for three months, and he believes he did serve that term of time. Also the affidavit of William Wyreck, who testifies that he was draughted between the years 1780 and 1790 to serve for three months against the hostile Cherokee Indians, and that he hired the petitioner to perform, and he did perform, that duty for him as his substitute.
Waiving the fact that the petitioner was too young to have rendered any service in the war of the Revolution, it is very apparent from his declarations, and the foregoing affidavits, that whatever of military service the petitioner has rendered his country was done in the Indian wars, and not in the revolutionary war. William Wyreck engaged him as his substitute to go against the hostile Cherokee Indians between 1780 and 1790, and in the first tour of duty spoken of by the petitioner as having been performed in 1780, he says he was in a battle with the Cherokee Indians at Highwassee river. It is very probable that this battle was in the time he served as a substitute for Wyreck, which might have been, and probably was, some years after the revolutionary war. The three months' service to which Benjamin Webb testifies is stated by the petitioner to have been subsequent to the battle with the Cherokees, and, of course, must have been subsequent to the revolutionary war. The service in this tour is more like the service in the Indian than the revolutionary war. He "was sorted to guard the people while they were planting corn," a service very common and necessary in places infested by hostile Indians. The service spoken of by the witness Glover is the same as that testified to by Wyreck, for it was the service against the Cherokees. The committee are therefore of opinion that the petitioner has failed to prove any revolutionary service; and as none other will entitle him to a pension, he must be denied the relief he seeks. The committee recommend that his petition be laid upon the table.