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### Report : Petition of G. Bean

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IN THE SENATE OF THE UNITED STATES.

FEBRUARY 27, 1885.—Ordered to be printed.

Mr. BLAIR, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 1710.]

The Committee on Pensions, to whom was referred the bill (H. R. 1710) granting a pension to George W. Bean, have examined the same, and report, recommending passage. .

House report states the facts:

The evidence in this case shows, to the entire satisfaction of the committee, that about July, 1849, one Capt. P. W. Conover organized in Utah Territory a militia company for the purpose of defending the people of that section of the country against attacks from Indians which were then threatened.

The company elected officers and was armed in part and by order of Brigham Young, then assuming to be and to act as governor of said Territory, with an iron field-piece, 6-pound caliber. This company is shown to have co-operated with the United States troops then under command of Captain Stansbury, Topographical Engineers, U. S. A., and Lient. J. W. Gunnison, U. S. A., and was part of the time at least under the command of one or both of said officers; that while said company was thus co-operating with said United States troops and under the direction and command of its officers, a fight occurred with the Indians at or near Fort Provo, lasting about three days; that subsequent thereto there were several other fights with the Indians, in which said company participated, and lost two killed and several wounded.

That about August, 1849, said militia company built a bastion on an elevated place within Fort Provo, and mounted it with their 6-pound gun. That about September 1, 1849, while said militia company was occupying said bastion at Fort Provo, the Indians opened fire upon some men in the settlement, and gave evidence of a purpose to attack the settlement and fort. This soldier, Bean, was detailed to assist in manning the cannon, and at the second discharge it exploded, wounding him dangerously in the arms and thigh and other places, making necessary the amputation of his left arm below the elbow, which amputation was performed by Surgeon Blake, United States Army, then with Captain Stansbury's command. These are facts substantiated by Captain Conover, Lieutenant Thomas, and several members of the company.

In December, 1852, Bean applied for a land warrant, alleging his service as above narrated.

This claim was rejected May 14, 1884, "on the ground that the service of Captain Conover's company, in which claimant alleged he served, is not sufficient to entitle him to a bounty-land warrant under act of 1852, which requires thirty days' service, nor under act of 1855, because service was not rendered in a recognized war."

The examiner who passed upon the application found that Captain Conover's company, Utah militia, was in service from February 4 to February 19, 1850, but that no other rolls of said company for 1849 and later than February, 1850, are on file in the Second Auditor's Office, and the Auditor so reports.

In explanation of this it is quite clearly shown by an affidavit of Captain Conover and some of his company that a new muster-roll was made out during the first part of 1850 and sent to Washington, and that the names of those who had been either killed or wounded were left off this roll, and the places of those left off were filled by others who thereafter served with the company.

The Second Auditor, in replying to an inquiry from the Pension Office, under date of May 5, 1884, refers to the "pay-rolls" of Capt. Peter W. Conover's company,

and gives the names of a number of the company, some or all of whom made affidavits in the case of the application for a bounty-land warrant.

Your committee find that while the original organization of the militia company may not have been fully authorized by law, yet that it was organized, did service in assisting in repelling Indian attacks, co-operated with United States troops, and part of the time, at least, under the control of United States officers, and that finally it was recognized by the national authorities, and payment for services made to the members appearing on the pay-roll; therefore your committee think Bean should be placed on the pension-rolls, subject to the provisions and limitations of the pension laws, and recommend the passage of the bill.

