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Lieut. Col. Henry Miller -- Heirs of (To accompany bill H.R. no. 151).

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LIEUT. COL. HENRY MILLER—HEIRS OF

[To accompany bill H. R. No. 151.]

MARCH 6, 1850.

MR. FREEDLEY, from the Committee on Revolutionary Pensions, made the following

REPORT:

*The Committee on Revolutionary Pensions, to whom was referred the petition of Juliana Watts and Juliana W. Campbell, daughter and granddaughter, being the only surviving heirs-at-law of the late General Henry Miller, who died at Carlisle, Pennsylvania, on the 5th April, 1824, asking to have granted to them such sum of money as the said General Miller was in justice entitled to, respectfully report:*

That the said petitioners set forth that the said Henry Miller, while engaged in the profession of the law, about the 1st of June, 1775, left his wife and children, his business and his property, and entered the military service of the Colonies, as lieutenant of a rifle corps raised in York county, Pennsylvania; marched to Cambridge, Massachusetts, and, with his company, was first on the ground from any point south of Long Island, and west of the Hudson. This company was attached to Colonel Thompson's (afterwards Colonel Hand's) famous rifle regiment, which received the first commissions from Congress, and took rank of every other regiment; that soon after their arrival, in a well concerted plan to surprise the advanced guard of the enemy at Bunker Hill, he greatly distinguished himself, in the judgment of General Washington, for skill and gallantry, and shortly thereafter, in October, 1775, was promoted to the captaincy of his company. About this time General Gage was superseded in the command of the British forces in Boston, by General Howe, and from that period until the 18th of March, 1776, when the British evacuated that city, an almost incessant skirmishing was sustained by our forces. After the embarkation of the British troops, ours followed them to New York, where, on the 9th of July, 1776, the Declaration of Independence was read to them, which was enthusiastically cheered. On the 27th of August following was fought the battle of Long Island, and after that disastrous engagement Captain Miller rendered valuable services in the retreat, in entirely frustrating the designs of the enemy to surround our little army. He had the honor of remaining with the rear guard, and being in the last boat that left the island; in the mist of day-break they gave three cheers in the face of the enemy, which brought on them a volley of musketry.

On the 12th of November, 1777, Captain Miller received a commission as major, to take effect from the 28th of September, 1776, and in the beginning of the year 1778, a commission as lieutenant colonel of the 2d

Pennsylvania regiment. At the close of this year he was compelled, by the necessities of his family, to resign his place in the army, in relation to which he received from General Washington a highly complimentary letter, the original of which was produced to your committee, and a copy is appended to this report.

The petitioners do not profess to give a narrative of the particular services for which General Miller was distinguished during these eventful and critical years of the revolutionary war, but refer Congress to the brief but comprehensive letter of General Washington, as explanatory both of the cause of his resignation, and as a testimonial of the appreciation of his services. These services, and the ardor and patriotism glowing in his bosom, are more fully established in a series of letters written by him to his dear wife during these services, which original letters were handed to your committee, and are with the papers. These letters also give an insight into the privations the family suffered, and the necessities which compelled him to leave the army to attend to his domestic affairs.

The petitioners remind us that at the time when Colonel Miller was compelled to leave the army, the revolutionary struggle was nearly over and our independence won. They also remind us that Colonel Miller had borne the brunt of the battles of *Long Island, York Island, White Plains, Princeton, Trenton, Head of Elk, Brandywine, Germantown, Monmouth*, and so many other conflicts of minor importance, that a cotemporary speaks of him as having had fifty different encounters with the enemy. So remarkable was he as a partisan officer, that General Wilkinson, in his Memoirs, thus commends one of his exploits: "Major Miller, of Hand's riflemen, was ordered by General Washington to check the rapid movements of the enemy in pursuit of the American army whilst retreating across the State of New Jersey." The order was successfully executed, and the advance of a powerful army so embarrassed, that the American troops were preserved from an overthrow, and the enemy entirely baffled in their plan of attacking our troops at Trenton, before night-fall. General Washington was enabled to light his camp-fires, and under cover of night to fall back upon Princeton, surprise the enemy there; and by this *chef d'oeuvre* roll back the tide of disasters that had nearly overwhelmed us. General Wilkinson again says: "General Miller, late of Baltimore, was distinguished for cool bravery wherever he served; he certainly possessed the entire confidence of General Washington." His biographer also speaks of his bravery as follows: "At the battle of Monmouth he displayed signal bravery; two horses were shot under him, but that did not deter him from mounting a third, and rushing into the midst of battle."

In May, 1794, Colonel Miller was commissioned as brigadier general of the first brigade second division of Pennsylvania militia, ordered out to repel the western invasion by the Indians. About the same time he acted as quartermaster general of the troops ordered out to quell the western insurrection. In the second war with great Britain he again accepted the office of brigadier general of Pennsylvania militia, and marched to Baltimore, and was charged with the defence of Fort McHenry and its dependencies.

The petitioners further state, that after the passage of the act of the 18th of March, 1818, General Miller, pressed by necessity, had his name inscribed on the pension-roll, but, before he received a dollar, the act of 1st

of May, 1820, was passed, prescribing terms so disagreeable, that he preferred to linger out the remnant of his life in that poverty which attended him in his latter years; that his private estate was all sold while in the service of his country, for the support of his family; that since his death Congress has generously bestowed lands and money to meritorious officers and soldiers of the Revolution; *but that neither he nor his family have ever received a dollar, for the sacrifices he made, or the services he rendered his country.*

Your committee are impressed with the force of the claims on government set forth by the petitioners. They consider the facts as fully established by the papers accompanying the petition, and by the histories of the times. In entering into the cause of the Revolution at that early day, General Miller risked and sacrificed his all; that he did good service to his country, cannot be denied or doubted. The situation of his private affairs compelled him to leave the army before the struggle was finally ended; hence he never received either land or commutation pay. He was too proud to swear himself a beggar, and hence never received a pension.

Your committee think that this is a case showing that there is a debt owing by this government to General Miller, which never was paid, and therefore ought now to be given to his children and heirs-at-law. General Miller did better service, and sacrificed more in our revolutionary struggle, than nine-tenths of those to whom commutation pay and lands were given as a reward for their services. Why, then, should not government be as generous to him as it was to those? At the time the act of 18th March, 1818, was passed, he was a proper recipient of its benefits; but the act of 1st May, 1820, required of him such an exposé of his poverty as his pride would not permit him to make—hence he never received the small recompense granted by the first stated act. His heirs-at-law are now living, and are poor; they ask from government the money which their father was entitled to at the time of his death, under the act of 18th March, 1818. Your committee cannot admit that these petitioners have any *vested right* in the pension granted under said act, but under the subsequent pension law of 7th June, 1832, it was the *settled construction*, that if the beneficiary did not receive the pension in his lifetime, the children might apply, and the pension was paid to them up to their father's death. This, in connexion with the circumstance that they consider this as a highly meritorious case, has induced your committee to report a bill directing that the name of Lieutenant Colonel Henry Miller be placed on the pension-roll under the aforesaid act of March 18, 1818; and that the proper officer be directed to pay to his daughter and granddaughter, the said petitioners, the pension of an officer from the date of the act to the day of his death, which was on the 5th of April, 1824. The passage of which bill they recommend as a slight recompense for the meritorious services and sacrifices of a gallant officer of the revolutionary war.

HEADQUARTERS, MIDDLEBROOK,  
December 18, 1778.

SIR: I have your letter of the 21st ultimo now before me. A good officer cannot feel more real concern to find that his domestic affairs and circumstances of his family make it necessary for him to leave the army, than I do myself in losing his services.

I always part reluctantly with the officer who, like you, has been early in the cause, and borne his share of military danger and fatigue; and I cannot help wishing that a continuance in the army could in anywise be made compatible with your domestic duties. But *should* you find this impossible, I suppose I need not tell you that it is customary, in all cases of resignation, to have a certificate that there is no public or regimental account unsettled. You will be pleased to communicate such a certificate in case you take a conclusive determination to resign.

I am, sir, your most humble servant,

GO. WASHINGTON.

Lt. Col. MILLER.

(*Copy of superscription.*)

PUBLIC SERVICE.

To

Lieutenant Colonel MILLER,

at

Yorktown.

Go. WASHINGTON.

I certify that the foregoing is a true and exact copy of a letter from General Washington to Lieutenant Colonel Miller, produced to me as one of the Committee on Revolutionary Pensions, by the honorable Mr. McLanahan, on behalf of the children of said Lieutenant Colonel Miller.

JOHN FREEDLEY.

Ho. OF REPS., February 1, 1850.