

5-17-1858

Report : Mr. Simmons

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IN THE SENATE OF THE UNITED STATES.

MAY 17, 1858.—Ordered to be printed.

Mr. SIMMONS made the following

REPORT.

[To accompany Bill S. 371.]

The Committee on Claims, to whom was referred the petition of Anthony W. Bayard, report:

The history of this case is well stated in a report made in the House of Representatives on the 30th of January, 1852, as follows, viz :

JANUARY 30, 1852.

The Committee on Invalid Pensions, to whom was referred the petition and papers of Anthony Walton Bayard, of Bellefonte, Centre county, Pennsylvania, have had the same under consideration, and report :

That this petition and accompanying papers were first presented to the 29th Congress, January 10, 1846. On the 25th February, of the same year, a favorable report was made, and a bill introduced for his relief, providing for the payment of arrearages of pension.

The case was again presented to the 30th Congress, December 15, 1847, and a favorable report was made, and a bill introduced in his favor with a like provision.

We find the case again presented to the 31st Congress, January 5, 1850, and on the 13th March of that year Mr. Leffler, from the Committee on Invalid Pensions, made a detailed report, (Rep. No. 141, vol. 1,) in which all the material facts are set forth, and your committee adopt that report; which report was also accompanied by a bill granting him a pension of three hundred dollars a year, from the 1st January, 1850, to continue during his natural life.

The facts set forth in the report of Mr. Leffler are well sustained by the papers, and are as follows, viz :

"That it appears, from the papers of the petitioner, that he is entitled to a pension in consequence of several wounds received whilst in the service of the United States, during the last war with Great Britain, and that he was accordingly placed on the pension roll, at the

rate of eight dollars per month, his pension to commence on the day of March, 1844.

“The petitioner states that at the time of his discharge he knew that he was entitled to a pension; but, being at that time possessed of some property, he declined making an application for it, supposing that, in case his circumstances should ever render it necessary, he would be entitled to receive all arrearages. He further states, that he has now become poor; that he is very helpless and decrepit; and, inasmuch as no existing law will make him any allowance for arrearages of pension, he therefore prays for the passage of a special act authorizing him to receive such sum of money as will be equal to ninety-six dollars per year from the day of his discharge from the service up to the commencement of his present pension.

“The committee, in all ordinary cases, have declined recommending the passage of any law providing for the payment of arrearages of pension; but the petitioner insists that he is entitled to it, in consequence of the number and severity of his wounds, and the importance of the services rendered his country. He states that, at the time of the battle with the Indians at Fort Harrison, the enemy had succeeded in setting fire to one of the block-houses, from which the fire was communicated to the roof of the soldiers' barracks; that the commanding officer called for volunteers to mount the roof and extinguish the fire, which was within point-blank shot of the enemy's rifles; that the petitioner and another soldier volunteered and mounted the burning roof; that his companion was immediately shot down, and he severely wounded; but that he succeeded in extinguishing the fire, and thus saving a large amount of valuable property to his country, at the imminent peril of his life. He further states that, while in the line of his duty, he upon one occasion received a rifle ball through his leg, below the knee; that upon another he had his jaw-bone and his skull fractured; and that upon a third a splinter from a shot cut his abdomen completely open for some six inches in length; and that the combined effect of all these wounds renders him wholly incompetent to support himself and family.

“The committee, from the certificate of the surgeon and his commanding officer, are satisfied that the above statement contains the whole truth. The committee therefore deem this a case which will warrant a departure from general rules, and accordingly recommend the passage of a bill for his relief.”

“The bill then reported not being reached, and the committee agreeing with the views set forth in said report, again recommend the passage of a bill for the relief of Anthony Walton Bayard.”

This bill also failed to become a law.

Upon a careful re-examination of the case, your committee are satisfied that the highly valuable and meritorious services of the petitioner entitle him to further remuneration. Had he made the proper application, he would have been entitled to a full pension from the date of his wounds in 1812. By his neglect to make the application he failed to receive more than \$3,000, to which his services and wounds would have entitled him. The committee do not propose now to pay him this sum, but, Congress having determined in 1852 that his service

and sacrifices entitled him to a pension of \$20 per month, in which this committee fully concurs, they regard it as just that that rate of allowance should be made to take effect from the time his name was placed upon the pension roll in 1844, and they report a bill having that effect, and recommend its passage.