

REPORT

Of the Committee on Pensions and Revolutionary Claims, on the petition of John M'Hatton.

JANUARY 11, 1822.

Read, and ordered to lie upon the table.

The Committee on Pensions and Revolutionary Claims, to whom was referred, on the 12th of December, 1821, the petition, with accompanying papers, of John M'Hatton, have had the same under consideration, and

REPORT THEREON:

That, heretofore, the petitioner had his said petition presented in the House of Representatives of the Congress of the United States, and, on the 4th day of January, 1821, it was referred to the Committee on Pensions and Revolutionary Claims, to consider and report thereon; and that, on the 17th of January, 1821, that committee made a report, which appears to be as follows:

“The Committee on Pensions and Revolutionary Claims, to whom was referred, on the 4th of January, 1821, the petition of John M'Hatton, have had the same under consideration, and report thereon:

“The petitioner states that he was, in July, 1776, by the state of Pennsylvania, appointed and commissioned a captain, to command a company of volunteers in the service of the United States; that he commanded said company two months, when he was appointed and commissioned, by the said state of Pennsylvania, a captain in the flying camp, in the regiment commanded by Colonel Watts, belonging to the Pennsylvania line, on continental establishment, as he states; that he commanded said company until he and his said company were made prisoners of war at fort Washington; that, soon after he was made a prisoner of war, he was, by said state of Pennsylvania, commissioned a captain in the Pennsylvania continental line, and in the regiment commanded by Colonel Mesau; that he was retained a prisoner until about the time lord Cornwallis surrendered at York town, when he was exchanged, and returned to the army, and was soon after detached as a supernumerary officer, and sent home, and

“ continued in service until the conclusion of the war in 1783. He states that he forwarded by mail two of his said commissions, to the war office, but has understood they were not received, and that he has lost his other commission, and he now prays that the commutation of five years full pay of a captain be granted to him, and likewise the bounty land he may, as a captain, be entitled to.

“ The committee further report, that they have had recourse to the Department of the Treasury for information in this case of the petitioner, and the Treasury Department has sent to this committee a report from the third Auditor in that department, in which the third Auditor states, that he had reference to such parts of the records of the Revolutionary Army as have been preserved and are on file in that office; and that he does not find any person by the name of the petitioner, but that he found captain John M’Ilhatton of the flying camp, of the Pennsylvania line, and that it appears that the state of Pennsylvania paid his depreciation, amounting to 142*l.* 8*s.* and charged the same to the United States; and that it also appears that he received from the United States the following sums in specie, whilst a prisoner, viz. of Elias Boudinot \$174 79, of S. Beatty \$101 50, making \$276 29, or 40; that the journal in which the particulars of these payments were stated being destroyed, it is impracticable to ascertain them, nor can it be ascertained how long the officer named continued in service; that reference has been had to the register of final settlement certificates issued to officers serving to the end of the war, which is complete, and also to the list of officers entitled to land, and the name of the officer is not to be found. Whether the petitioner is the same person with this one remarked on, the third Auditor reports that he cannot state, but should presume, from some of the circumstances stated in the petition, and there being no record of any person of his name, that it is probable that such is the fact.

“ The committee further report, that, on the 26th of January, 1784, Congress ‘ resolved, that half-pay cannot be allowed to any officer, or to any class or denomination of officers, to whom it has not heretofore been expressly promised.’ It does not appear that the petitioner is included in any class or denomination of officers, to whom half pay was expressly promised. In respect to the claim of the petitioner to bounty land, it does not appear that his name is included in the list of officers entitled to land, and therefore submit the following resolution:

“ *Resolved*, That the prayer of the petitioner be not granted.”

This committee further report, that the petitioner has again presented his said petition, with some accompanying papers, one of which is a statement, or exhibit, of the petitioner, in which he enumerates his services, stating that he was under command of General Braddock, that he was with Colonel Dunbar, whose regiment had not come up, that he was afterwards on General Stanwick’s campaign, then on General Forbes’, then on General Monkton’s, and then on Bouquett’s campaign; he states he was first a soldier, then a

corporal, then a sergeant, then an ensign, and continued in service until peace between the English and the French, and was then discharged. The petitioner then proceeds to state, in his said exhibit, as he does in his petition, his appointments and services in the time of the Revolutionary war, viz: that he was appointed a captain in July, 1776, by the state of Pennsylvania, to command a company of volunteers of militia, and afterwards removed to command a company of flying camp, in Colonel Watt's regiment; that he was taken a prisoner at the surrender of Fort Washington; that he was immediately taken by the British to New York, thence, to Long Island, and put on board the Jersey prison ship; and on Long Island, as he states, until exchanged just before the surrender of Lord Cornwallis. The petitioner then goes on to state, in his said exhibit, appearing to be of the 18th of October, 1821, that, while a prisoner of war, his friends sent him money from Pennsylvania, which supported him, that he paid for his board, as he states, and never received, whilst a prisoner, any money from the United States, either as pay or to support him; and he further states, that he did not receive any since he was made a prisoner, or for depreciation, or in any shape whatever, for or on account of his revolutionary services; and he further sets forth, in his said exhibit, that, whilst he was a prisoner of war, he was sent to New York by Colonels Atly and Miles, who were American prisoners of war, to bring some money from the American Commissioners for prisoners; that, with a permit, he went and received a certain sum, he does not remember how much, from, as near as he can recollect, a man of the name of Pintard, but, whether he was a commissioner himself, or did business as a deputy for Boudinot, who, at that time, as the petitioner states, *kept an office in the city of New York*; that he was directed to deliver the said money to either of the said Colonels Atly or Miles, which he states he did; but whether the money was sent them by their friends, or the public, he does not know; and he states that he never received any of it, nor did he take a receipt when he delivered it; that he does not think the commissary charged the money to him when he received it from his office, that he never had any part of it, and was nothing but an agent to convey it. The petitioner then goes on to state, in his said exhibit, that his father was a Scotchman, and spelt his name M^cIlhatton, and the name of his family, until after the revolution, was spelt in that way, but since that time they had, as he states, spelt it M^cHatton, as it was shorter. That, in 1783, he removed to Kentucky, and has never been to the east of the Alleghany mountain since.

This committee further report, that the petitioner, in his said exhibit, states, that his father spelt his name M^cIlhatton, and that the name of his family was spelt in that way until after the revolution; and it appears, by the records in the Treasury Department, that John M^cIlhatton did receive from the state of Pennsylvania the sum of one hundred and forty-two pounds eight shillings for depreciation, which was charged to the United States; and that, whilst he was a prisoner of war, he received in two payments the sum of two hundred

and seventy-six dollars and some forty cents, as above mentioned. And the petitioner, in his said exhibit, declares, that his friends sent him money from Pennsylvania, which supported him, that he paid for his board, and that he never received, whilst a prisoner, any money from the United States, either as pay or to support him, and that he has not received any pay since he was a prisoner, or for depreciation, or in any shape whatever, for, or on account of, his revolutionary services.

This committee are humbly of opinion, that the records in the Department of the Treasury are to be taken as conclusive evidence in this case, and in all similar cases; a contrary doctrine would go to destroy all evidence deducible from the records of that Department, and of every other department of this government; and, also, the authenticity of the said records, and would produce consequences highly dangerous to the United States and to individual citizens; and although the petitioner, as he states, did receive a sum of money from Pintard, he, notwithstanding that, must have received the several sums of money as stated in the report of the Third Auditor, which, from the long lapse of time, may have escaped the recollection of the petitioner.

This committee further report, that the petitioner states, as in this report abovementioned, that he was made a prisoner of war at Fort Washington, and that, soon after he was made a prisoner of war, he was, by the state of Pennsylvania, commissioned a captain in the Pennsylvania continental line, and in the regiment commanded by Col. M'Gaw; that he was retained a prisoner until about the time that Lord Cornwallis surrendered at Yorktown, when he was exchanged and returned to the army, and was soon after detached, as a supernumerary officer, and sent home, and continued in service until the conclusion of the war, in 1783.

That, on the 24th October, 1781, a letter of the 19th of that month, from General Washington, was read, informing the Congress of the Revolution of the reduction of the British army under the command of Earl Cornwallis, on the 19th instant, with a copy of the articles of capitulation. About that time the petitioner states that he was exchanged, and returned to the army, and was soon after detached, as a supernumerary officer, and sent home, and continued in service until the conclusion of the war in 1783. In what manner the petitioner could be at home and in the actual service of the United States until the conclusion of the war, in 1783, is not easily understood. "He prays that commutation of five years full pay may be granted to him as a captain, and likewise grant him a land warrant for the quantity of bounty land to which he may be entitled as a captain."

This committee further report, that reference has been had to the register of final settlement certificates issued to officers serving to the end of the war, which is complete; and, also, to the list of officers entitled to land, and the name of the petitioner does not appear. Hence, it is inferred, that, if the petitioner was an officer at any time, in the line

of the army on the continental establishment, he did not serve to the end of the war, and therefore is not entitled to commutation of five years full pay in lieu of half-pay for life, nor to any bounty land. The petitioner states that he was commissioned a captain in Colonel M'Gaw's regiment. This committee report, that, on the fifteenth of May, 1778, Congress "resolved, unanimously, that all military officers commissioned by Congress, who now are, or hereafter may be, in the service of the United States, and shall continue therein during the war, shall, after the conclusion of the war, be entitled to receive annually, for the term of seven years, if they live so long, one-half of the present pay of such officers." Certain provisions are added to that resolution, which, it is presumed, do not relate to the petitioner. That Congress, on the 21st of October, 1780, "resolved, that the officers who shall continue in the service to the end of the war, shall also be entitled to half-pay during life, to commence from the time of their reduction." And, on the 22d of March, 1783, Congress, on the report of a committee, "resolved, that such officers as are now in service, and shall continue therein to the end of the war, shall be entitled to receive the amount of five years full pay, (as in that resolution is expressed,) instead of half-pay promised by the resolution of the 21st of October, 1780." And, on the 31st of December, 1781, Congress, by resolutions, made provision relative to officers of the line of the army, considered as retiring from service on the first day of January, 1782, whose names were not returned as directed in one of said resolutions. That this case of the petitioner does not appear to be included within all or any one of the resolutions of Congress alluded to above, in this report.

That, on the 24th of November, 1778, Congress "resolved, that all officers who have been in the service, and having been prisoners with the enemy, now are, or hereafter may be, exchanged, or otherwise released, shall, if appointed by the authority of the state, be entitled, in case of vacancy, to enter into the service of their respective state, in such rank as they would have had if they had never been captured. Provided, always, That every such officer do, within one month after his exchange, or release, signify to the authority of the state to which he belongs, his release, and his desire to enter again into the military service. That every officer, so released, and giving notice, as aforesaid, shall, until entry into actual service, be allowed half-pay of the commission to which, by the foregoing resolve, he stands entitled. Provided, always, That, in case of his receiving any civil office of profit, such half-pay shall thenceforth cease." On the 22d of May, 1779, Congress "resolved, that all continental officers, who are, or may be, exchanged, and not continued in service, be, after such exchange, considered as supernumerary officers, and entitled to the pay provided by a resolution of Congress of the 24th of November last."

That it does not appear to this committee that the petitioner was continued in service pursuant to the provisions of the said resolution

of the 24th of November, 1778, and that, therefore, if a continental officer, he did, by the resolution of the 22d of May, 1779, become a supernumerary officer, which the petitioner states he was, and, therefore, is not, in that character, entitled to commutation of five years full pay, instead of half-pay for life. That the petitioner states, he was an officer of the flying camp. On the 26th of May, 1781, Congress "resolved, that the officers of the flying camp, lately returned "from captivity, be allowed depreciation by their respective states, "in the same manner as officers of the line in such states." On the 3d of June, 1776, Congress "resolved, that a flying camp be immediately established in the middle colonies, and that it consist of ten "thousand men; that Pennsylvania be requested to furnish six thousand men of their militia; Maryland, of their militia, 3,400; Delaware government, of their militia, 600. That the militias be engaged to the first day of December next, unless sooner discharged "by Congress." That the officers of the flying camp, being of the militia, are not entitled to the commutation of five years full pay instead of half pay, for life, is manifest; that it appears, by the records of the Treasury Department, that the petitioner did receive a certain sum of money for depreciation from the state of Pennsylvania, which was charged to the United States; that that depreciation may be presumed to have been paid in pursuance of the said resolution of the 26th of May, 1781.

This committee further report, that the petitioner, in his said exhibit, sets forth a statement, in the words following, that is to say: "While a prisoner of war, my friends sent me money from Pennsylvania, which supported me. I paid for my board, and I never received, whilst a prisoner, any money from the United States, either "as pay or to support me, nor have I received any pay since I was "made a prisoner, or for depreciation, or in any shape whatever, for "or on account of my Revolutionary services."

In respect to this declaration of the petitioner, the committee observe, that, on the 3d of January, 1777, Congress "resolved, that "General Washington be directed to propose and conclude with General Howe an agreement, whereby those who are or may be made "prisoners by the enemy, may be supplied with provisions and other "necessaries at the expense, or on the credit, of the United States." That, "on the 31st of July, 1778, Congress resumed the consideration of the report of the committee, to whom the petition from the "prisoners of war on Long Island was referred; whereupon, resolved, that the commissioners of claims be directed to examine the "estimate of the amount due for clothing and board, for our prisoners "of war in the hands of the enemy: resolved that a sum of money, in "specie, not exceeding twenty-six thousand six hundred and sixty-six "dollars and sixty-six and two-thirds cents, be issued to Elias Boudinot, Esq. late commissary general of prisoners, for the discharge of "such accounts, for which he is to be accountable. And, on the 30th of "July, 1778, "Congress ordered that a warrant issue on the Treas-

“ surer, in favor of Colonel E. Boudinot, late commissary of prisoners, for fifteen thousand dollars, to enable him to discharge some arrears of that department, the said Colonel Boudinot to be accountable:” that, on the 6th of June, 1777, Congress resolved, “that a commission be granted to Elias Boudinot, Esq. as commissary general of prisoners, the said commission to be dated the 15th day of May last.” On the 9th of January, 1779, Congress resolved, “that the commissary general of prisoners be furnished with money, from time to time, by the board of treasury, for the purpose of subsisting the officers and soldiers of the United States, while in captivity and in the actual possession of the enemy, and to accommodate them with sufficient sums, on account, to defray their traveling expenses to their homes or regiments.” On the 7th June, 1779, Congress resolved, “that the commissary general of prisoners be authorized, from time to time, to pay, to the order of officers and soldiers in captivity, any sums not exceeding the amount of their pay and subsistence, in order to enable them to assist their families, and that he make monthly returns to the paymaster general of their accounts, respectively.

On the 25th of April, 1780, Congress passed resolutions for the benefit and accommodation of American prisoners of war with the enemy. among which Congress resolved, that “the sum of twelve thousand four hundred and sixty-three pounds like currency (New York currency) in specie, equal to thirty-one thousand one hundred and fifty-seven and a half dollars, be advanced to the Commissary General of Prisoners, which he be directed to distribute among all the officers in captivity; and that the consideration of any farther allowance or comparative preference, be postponed to some future period.” That, on the 23d of August, 1780, Congress passed a resolution appropriating large sums of money in specie for the use and accommodation of American prisoners of war with the enemy, those at New York inclusive. That, on the 8th of January, 1781, Congress, by resolution “earnestly recommended to the several states, from New Hampshire to North Carolina inclusive, to procure and forward to the Treasurer of the United States, or to their Commissary of Prisoners appointed to reside at New York, by the first of March next, for the use of the officers in captivity at that place and on Long Island, and to be charged to the United States,” large sums of money in specie or bills of exchange on New York—amounting to eighty thousand dollars. The resolutions abovementioned, with other resolutions that might be alluded to, are brought, at this late period, into remembrance, to shew the care of, and attention to, American prisoners of war in captivity with the enemy, which was manifested by Congress, in order that they might be fully supported and provided for during their captivity, and, also, on their return from captivity. The petitioner states, that he held the commission of a captain in time of his captivity, and, from that circumstance as an officer, it may be presumed that he was not ignorant of the ample supplies of money in specie from time to time provided for, and ac-

tually remitted to, and put in the power of, the Commissary of Prisoners at and near New York, for the support of the American prisoners there; and it cannot be presumed that he did not partake and receive his portion of such ample provision for his support; and it may be presumed, that a long lapse of years may have obliterated from his memory the bountiful support administered to him by the Congress of the Revolution, and, therefore, does not recollect to have received the several sums of money stated on the records of the Treasury Department by him to have been received.

This committee further report, that it does not appear that the petitioner was in the actual service of the United States (if he had even been an officer commissioned by Congress,) after the time that he was exchanged and released from captivity; that it does not appear that the petitioner is included in any class or denomination of officers to whom half pay was expressly promised, and, therefore, half pay for life, or commutation thereof for five years full pay, cannot be allowed to him; that no sufficient reason has been by him assigned why he permitted a claim of this magnitude to lay dormant from the time he ought to have claimed it, until in January, eighteen hundred and twenty-one, when his petition was first presented to Congress; that, if his said claim was just, it was honorable to demand it in due time, and to receive it—officers of the highest rank and honor in the line of the continental army, who were entitled to commutation, received it; it was an honorable provision for them, made by Congress for their noble and meritorious services in the prosecution of a just war, which delivered the United States from bondage, tyranny, and oppression: that the petitioner has not any just claim to commutation of five years full pay instead of half pay for life; that he is not entitled to bounty land as provided for by resolutions of Congress; that if, by any most remote possibility, the petitioner could have or can have any claim in this case, it is long since barred by statutes of limitation. This committee, therefore, report the following resolution:

Resolved, That the prayer of the petitioner be rejected.

TREASURY DEPARTMENT,

Register's Office, 5th January, 1822.

SIR: I have the honor to transmit a copy of the Report made by the Third Auditor of the Treasury, on the memorial of John M·Hatton.

And am, with great respect, sir,

Your obedient humble servant,

JOSEPH NOURSE.

Honorable JOHN RHEA.

TREASURY DEPARTMENT,

Third Auditor's Office, 13th January, 1821.

SIR: I have the honor to state in relation to the petition and accompanying documents of John M·Hatton, who claims to have been a captain in the Pennsylvania line during the Revolutionary war, and asks commutation and land, that I have had reference to such part of the records of the Revolutionary army as have been preserved and are on file in this office, and I do not find any person by the name of the petitioner, but find captain John M·Ilhatton, an officer of the flying camp of the Pennsylvania line. It appears that the state of Pennsylvania paid his depreciation, amounting to 142l. 8s. and charged the same to the United States; and, it also appears, that he received from the United States the following sums in specie, whilst a prisoner, viz:

Of E. Boudinot	-	-	-	-	-	\$174 79
Of J. Beatty	-	-	-	-	-	101 51
						<hr/>
						\$276 $\frac{40}{100}$

The journal in which the particulars of these payments were stated, being destroyed, it is impracticable to ascertain them, nor can it be ascertained how long the officer named continued in service. Reference has been had to the register of final settlement certificates, issued to officers serving to the end of the war, which is complete, and also to the list of officers entitled to land, and the name of the officer

is not to be found. Whether the petitioner is the same person with the one remarked upon, I cannot state, but should presume, from some of the circumstances stated in the petition, and there being no record of any person of his name, that it is probable such is the fact.

The papers are returned.

With great respect,

Your obedient servant,

PETER HAGNER, *Auditor.*

The Hon. WILLIAM H. CRAWFORD,

Secretary of the Treasury.