

JOHN C. VAN DUZER, AND TWENTY-FIVE OTHERS.

AUGUST 1, 1850.

Laid upon the table.

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

REPORT:

The Committee on Revolutionary Pensions, to whom was referred the petition of John C. Van Duzer, and twenty-five others, residents of the county of Chautauque, in the State of New York, respectfully report:

The petitioners ask Congress "to pass an act granting pensions to the widows of all revolutionary soldiers." The object of this petition is the passage of a law by which the widows of all revolutionary soldiers may be placed upon the pension list without reference to the date of their marriage. In considering the propriety of recommending a law of this character, the committee have been led to examine our pension laws in detail, to ascertain the object of Congress in adopting them, and, by tracing their practical effect, to determine whether any other persons should participate in their benefits.

The first act of Congress giving pensions to the widows of revolutionary soldiers is the act of July 4, 1836. By the provisions of this act, widows who were married before the last period of their husbands' service are entitled to receive the pension to which their husbands might have been entitled, under the act of June 7, 1832, during the time they remained unmarried. The reasons that prompted the passage of this law may be found in the fact that its beneficiaries were the participants of their husbands' privations and sufferings in that momentous struggle. It is a matter of history that the burdens of the wife, in consequence of her increased cares while her husband was absent fighting his country's battles, were oftentimes more grievous than his; and if his service was of a character to entitle him to the gratitude of his country, hers, being no less meritorious, should receive the same consideration. After the passage of this act, it was found that many widows of revolutionary soldiers, who were such on the seventh day of June, 1832, and not having been married before the last period of their husbands' service, could not receive the benefits of this act. For the purpose of extending to such of these widows as were married before the first day of January, 1794, for the term of five years, the same pension their husbands would have been entitled to have received had they been alive on the seventh day of June, 1832, Congress passed the act of July 7, 1838. Although this act was evidently intended to embrace only those who were widows on the seventh day of June, 1832, yet it was, with the joint resolution of August 16, 1842, so construed by the Secretary of War as to include all such as were widows at the time they made application for its benefits. The practical effect of this construction placed all widows who were married before

January 1, 1794, upon the pension list. The provisions of the act of July 7, 1838, were extended to the class of persons therein indicated for one year by the act of March 3, 1843, and this last act was revived and continued in force for four years from March 4, 1844, by the act of June 17, 1844; and by the act of February 2, 1848, the same benefits were conferred upon the same class of persons while they remained unmarried.

By another act of Congress passed July 29, 1848, the benefits of the provisions of the several acts above recited are extended to all widows who were married before the first day of January, 1800, to continue "during widowhood," thus placing upon the pension list all widows of revolutionary soldiers who were married before the first day of January, 1800.

The effect of this legislation upon the treasury may be learned from the annual report of the Secretary, submitted to the present Congress. In his estimates of the necessary appropriations for the payment of pensions for the fiscal year ending June 30, 1851, we find the following entries:

Revolutionary pensions, per act March 18, 1818	-	-	\$47,883 00
Revolutionary pensions, per act June 7, 1832	-	-	340,000 00
Widows' pensions, per acts July 7, 1838, March 3, 1843, and June 17, 1844	-	-	80,000 00
Widows' pensions, per act February 2, 1848	-	-	480,000 00
Widows' pensions, per act July 29, 1848	-	-	104,000 00

Thus it will be seen that the estimates for the payment of the pensions of the widows of the revolutionary soldiers who were married after the last period of their husbands' service, and before the first day of January, 1800, amount to the sum of \$664,000; while the estimate for the payment of the soldiers themselves, in the same document, is set down at only \$387,883. Should the benefits of the acts now in force be extended to all the widows of revolutionary soldiers, without reference to the date of their marriage, the sum required for their payment must be materially increased, and, in the opinion of some gentlemen conversant with this subject, nearly doubled. Ought this to be done?

The true basis of gratuities by government is service rendered; and when this service has affected the rights or happiness of others, they, as well as he who performed the service, should be made the recipients of its benefits. Upon this principle are our pension laws predicated. Not the person who lived merely in the days of the Revolution is entitled to a pension, but he who served his country in that contest; and when that service could affect the enjoyment of another, she, too, has been made a sharer in its benefits. With a liberality that characterizes our government, its gratuities have not only been bestowed upon the soldier that has fought its battles, and upon her who was his partner through those scenes of carnage and toil, but also upon her who has united her destinies with his, within seventeen years after those scenes and toils have ended. Is it bound to do more? The committee think not. They are aware that very many worthy ladies would be benefited by such liberality, but they cannot close their eyes to the fact that while these gratuities are given to one class of our citizens, the funds with which they are paid are derived from the hard earnings of others no less meritorious and deserving.

The committee being of opinion that the present laws upon this subject are sufficiently extensive, would recommend that the prayer of this petition be denied.