

BASIL MIGNAULT—CHILDREN OF.

[To accompany bill H. R. No. 770.]

JANUARY 24, 1857.

Mr. K. MILLER, from the Committee on Revolutionary Pensions, made the following

REPORT.

*The Committee on Revolutionary Pensions, to whom was referred the petition of Peter M. Mignault, report:*

That it appears from the papers and testimony transmitted from the Pension Department, that Basil Mignault, a resident of Chambly, in the county of Kent, Lower Canada, on the 20th of November, 1828, made and filed his application for a pension under the act entitled "An act for the relief of certain surviving officers and soldiers of the army of the revolution," approved on the 15th day of May, 1828. That by the rules of the department, the claimant was required to make oath in support of his declaration, in addition to other evidence offered.

The applicant in this case made oath that in the month of September, 1775, he joined the American army, under General Montgomery, at St. John's, Lower Canada; that he was commissioned by General Montgomery a lieutenant in Captain Arnold's company in Colonel Livingston's regiment; that he served in that capacity at the taking of Chambly, St. John's and Montreal, and at the siege of Quebec; that on the day of the attack, in consequence of intoxication of his captain, and the absence of two other captains, he was appointed to command three companies by command of General Montgomery, who, at the same time, presented him with a sword and gun as a mark of respect for his services; that he, under Colonel Livingston, commenced the attack at the gates of the St. John's suburbs, and that he, with his own hand, set fire to the gates; that after the siege was raised he retreated with the army to St. John's, where he received a furlough to return home to visit his father, who lay sick, and had sent for him, and on his return home was taken prisoner by the English, and tried for assisting the Americans. He was, however, acquitted, in consequence of their not being able to get witnesses, who had retreated into the United States. That he exerted himself to escape to the States and join his company again, but was prevented by spies appointed to watch his movements. That after he was tried,

he was let out on parole not to leave the parish of St. Dennis; and at the time he received his furlough he also received a certificate from Colonel Livingston of the amount of wages due him; and that he never received anything for his services, except ten dollars; that his commission, &c., was delivered to one Benway to get pay for his services and losses, and he was drowned and his papers lost. The truth of his declaration was supported by the testimony of a witness who enlisted as a private in the same company, and served under the orders and command of said Lieutenant Mignault, from the time he joined the American army at St. John's until he was taken prisoner, corroborating the said Lieutenant Mignault in all the particulars of his services, and imprisonment, and parole to the limit of the parish of St. Dennis during the war.

There being no record evidence of the services, the department called for further corroborating evidence; and it appears, while evidence was collecting, in compliance with the requisition, and some had been obtained, he died, to wit, on the 20th day of June, 1832, and no further prosecution of the claim was made until now. The evidence the old man was collecting, in order to renew his claim, is now offered in connexion with the papers and testimony on file in the Pension Office, a duly certified copy of which has been furnished your committee from the Commissioner of Pensions. This additional evidence is corroborative of the main statements before given, and, in the opinion of your committee, there is evidence sufficient to entitle the children of the officer to all the benefits which were intended to be conferred on the officer by the act of May, 15, 1828, as also under the acts of September 16, 1776, and resolution of October 21, 1780, granting half-pay, &c. It further appears by the Pension Office papers transmitted to your committee, that he did not receive the quota of land to which he was clearly entitled, unless, unfortunately, his being a prisoner under parole to the close of the war should be construed not to be service. But your committee believe otherwise; and knowing that Congress, previous to and at the time of the expedition in Canada, issued and caused to be circulated proclamations, (see Journal of Congress, vol. 1, pages 40 to 45, and 74 to 76, 245 to 246,) inviting the Canadians to join our army, and they should be protected; and that Lieutenant Mignault, having responded to the same, by reason of which he was deprived of his property and liberty, and having received only ten dollars for his services, your committee believe the several acts of Congress before mentioned were intended to benefit officers of the class and character of the services rendered by the officer in question, and they recommend a bill accordingly.