



CONGRESS.

PHILADELPHIA.

HOUSE OF REPRESENTATIVES,

TUESDAY, JANUARY 10, 1792.

Petition of Catharine Greene, Widow of the late General Greene.

ON motion of Gen. Wayne, the House went into committee of the whole, Mr. W. Smith in the chair; the report of the Secretary of the Treasury on the petition of Catharine Greene, widow of the late major general Greene, being under consideration.

The object of the petition is to obtain an indemnification from the United States against certain engagements which were entered into by her husband, the deceased major-general Nathaniel Greene, while commanding officer in the southern department; and for the circumstances on which it is founded, refers to a representation of the 22d August, 1785, which was then made by the said General Greene to the United States in Congress assembled.

The petition is accompanied by a number of vouchers, arranged in alphabetical order by the Secretary of the Treasury in his report: from all which he draws the following conclusion—"That strong and extraordinary motives of national gratitude for the very signal and important services rendered by General Greene to his country, must serve to give a keener sting to the regret, which ought ever to attend the necessity of a strict adherence to claims of public policy, in opposition to claims founded on useful acts of zeal for the public service, if no means of protecting from indigence and penury, the family of that most meritorious officer, shall, upon examination, be found admissible."

General Wayne rose to give his reasons for supporting the petition.—

Mr. Chairman—It may not be improper to mention the motives that impel me to wish a fortunate issue, in favor of the *claim* now under consideration of this committee, which I must also offer as an apology for the part I have taken, or that I may eventually take in support of the claim.

From my first interview with General Greene, until the moment of his dissolution, we always lived in the strictest habits of friendship and confidence.—He was an officer with whom I had participated of almost every vicissitude of fortune (in many a well tried field) from the frozen waters of the north, to the burning sands of the south.—He was a man whose virtues and talents I knew and revered—his noble soul would have revolted at the idea of imposition—he never would have offered in a *claim* to Congress, but upon the purest principles of honor and justice. I was a witness to the pressing necessity that compelled him to become the surety, for which indemnity is now claimed—he did what I would have done (as second in command) had he been absent at that trying crisis.—The claim I *know* to be just—and I am decidedly of opinion that he was drawn into that security from the situation in which he was placed by Congress, as commander in chief of the southern department.—Under these impressions, I beg leave to submit to the consideration of this committee the suit of resolutions now in my hand—and doubt not of their concurrent support.—

Resolved, as the opinion of this committee, that the estate of the late major-general Nathaniel Greene ought to be indemnified for and on account of the engagements entered into by that General with certain persons in the state of South Carolina, for the purpose of obtaining supplies for the American army, in the year 1783, and that he be granted to the executors of the estate of the late major-general Nathaniel Greene, for that purpose.

Resolved, That a committee be appointed to bring in a bill in conformity to the foregoing resolution.

Mr. Boudinot said, there was no greater friend to the memory of general Greene than he was, nor any person more anxious to have justice done to his widow and family; but he was apprehensive that the resolution proposed by the worthy gentleman who had first brought forward this business was not drawn up in such a manner as to insure it a passage through both Houses of Congress. He wished therefore that it should be so expressed as to prevent any tedious discussion, and at the same time do ample justice. The report of the Secretary of the Treasury puts the subject on the best footing. The motives which led him to make the contract were, first, the public good; and perhaps secondly to serve his

friend Mr. Burnett, because he was his aid-du-camp, and he wished to put him in the way of being established in business after the war; but Mr. Burnett was never in any other way connected with general Greene, than as a young man brought up in the family, whom he wished to patronize.

After a few other observations, Mr. Boudinot moved to strike out the preamble of the resolution proposed by general Wayne, and to adopt words nearly in substance as follows:

Resolved, That it is becoming the dignity of Congress to make compensation for the widow and orphans of the late major-general Greene, who so gloriously served his country; and that they be indemnified for the loss which his estate is likely to sustain by his having entered into certain bonds for supplying the southern army with rations and cloathing, at a time when they were threatening to disperse.

Mr. Findley observed, that on the question as it is now stated, the committee have a choice of three alternatives; the claim may be rejected, a pension or gratuity may be granted to the amount, or the claim of the petition may be granted as a matter of right, upon the footing of its own merits by a special law, as all authorized claims which Congress grant are given: claims for which the standing laws are competent, do not come before us. I am in favor of the last alternative. I am against rejecting the petition, because as the facts are stated in the report of the Secretary of the Treasury, general Greene putting himself in this situation of risk, was from the most public spirited motive: it was to support the public interest at a most important crisis, when the well being, if not the existence of the southern army was at stake, as well as the security of the inhabitants. If a commander in chief of an army may be ruined in his private affairs, by making an unauthorized exertion to save his army or his country, the precedent may be dangerous; it may teach commanders lessons of prudence, which may have ruinous effects: it is true, the necessity of the case must be such as will justify the unauthorized measure; from the report, this appears to have been the case in the subject of the present debate. From the whole state of facts before us, general Greene appears not to have had his own interest in view in this transaction, if the proof of this only lay between Banks and him. The established character of general Greene, not only as an officer, but as a man of integrity and public spirit, certainly cannot sink when lain in the balance with the secret insinuation of an unprincipled speculator.—Such has been my own opinion of general Greene's character, that I would certainly require other proofs than this before I would even indulge suspicions: but it does not rest upon this; we have Banks's own testimony to the contrary, and his partner, and we know it would have been the interest of Banks and Co. to have made the contrary appear; nay we have such a cloud of witnesses, all concurring to the same point, as appears sufficient to remove doubts from the most scrupulous mind. Unauthorized accounts are admitted in settlements between the United States and the individuals States, upon the principles of equity. I consider this as a case of the same nature, and will vote for it agreeably to this precedent. I consider granting the prayer of the petition in this manner as an act of justice, not only to his estate, but to the memory of his character. But I object to granting the relief in the indirect way of a pension; it is not so safe to the public, nor so honorable to the heirs of general Greene. To the public it is highly dangerous as a precedent; it will operate as an opening wedge to other claims without limitation. Few indeed can have an unauthorized though just claim as commanders in chief of an army reduced to such a dilemma as originated the present question: but merit and distress are not confined to commanders alone—they are to be found in every rank of citizens. The struggles during the late revolution produced abundance of merit: we cannot look around in this house, nor in any large collection of citizens, but what our eye meets with those who have claims of merit: we can scarcely be acquainted in any neighborhood, but we must be acquainted with such as have been reduced to distress by their meritorious exertions, either in the camp, in the cabinet, or by granting supplies. How many who have aided the public with their substance, have been obliged to part with the evidences of their meritorious claims for a temporary relief. Many of the aged, many widows and orphans, to my knowledge, labor in penury, and mourn in secret, on the account of such meritorious aids not being recompensed when it ought; though this was owing to the public misfortune, yet the merit and sufferings were not the less. I am very sensible of the great merit of general Greene; it is so well known and so generally acknowledged on all hands, as to render it improper for me to enlarge thereon. But superior as his merit was, if we grant a pension or relief not founded on a just claim, merit

of a lower order must be also admitted—there is no distinguishing the shades.

I have heard of claims on the footing of merit brought before Congress, supported by such arguments as would induce a stranger to think that nearly all the merit of accomplishing the revolution was centered in the claimant. If merit is to be rewarded by pensions, we shall soon have claimants in abundance.—In the exercise of supreme command difficulties often arise which render exertions necessary, for which general rules cannot be provided; these have been generally treated as objects of indemnification. Many claims are now before Congress; they are various in their nature, and no doubt a number of them will be admitted: but from every view I have taken of the claim before us, I think it as strongly addresses our justice and sympathy as any of them.

Gen. Wayne thought it necessary to make some observations upon what had fallen from the gentleman on his right (Mr. Boudinot)—In order to place this business in a proper point of view, he begged leave to mention certain circumstances previous to the evacuation of Charleston. Some of the first characters in South Carolina obtained a flag from General Greene to meet a deputation of merchants and others, under a flag from the British lines—those merchants were anxious to remain after the army, for the purpose of disposing their stock in trade, and wished for a reasonable time to transact that business; this indulgence was readily granted, for it was thought an object of consequence to retain supplies for the use of the country as well as for the army; and they were permitted to continue in the place for the space of *twelve months* after the abandonment should take effect. Alliances were also given them for the inviolable protection of their persons and property for that period. Thus sanctioned they were probably induced to speculate upon such stores as the British army could spare (for that army was redundantly supplied) whilst the Americans were experiencing almost every possible distress for want of the common necessaries of life. About this time hopes were entertained of the speedy appearance of a superior water force from the French West-Indies, to that of the British; and the operating army under my command was advanced to the quarter-house, in a position to prevent the enemy from embarking with impunity, and to protect the town and its inhabitants from depredation and insult; this manœuvre had the desired effect—it created a jealousy in the British general for the safety of his rear, and general Leslie was in a manner compelled to come into a convention, more resembling a *capitulation*, than an *abandonment*, for he was under the necessity to "agree not to commit any insult upon the inhabitants, or depredation on their property, or damage to the city, at or *after* his embarkation. The word *after* caused some demur, but it was insisted upon, and complied with, in consequence of the orders I had previously received from general Greene—a measure which at once afforded security to the inhabitants, and a flattering prospect of full supplies, as well for the citizens as for the army.

The gentleman (Mr. Boudinot) says—how are we to distinguish between the articles and necessaries that were actually made use of by the army, and of the other goods purchased of the British merchants?

This may be fully answered and explained, by mentioning this fact—that those merchants took advantage, of their situation, and would not dispose of any article suitable for the army, unless *their whole stock were purchased together*, having but twelve months to dispose of their goods and collect their debts—nor could the necessary articles be obtained at the point of the bayonet, as the merchants were protected by a compact made under the sanction of a flag. Nor would they trust the contractor Banks, with their property, unless general Greene became his security; by which act, in their opinion, the *United States* would be bound in honor to fulfil a contract made by their commanding officer; nor did general Greene come into the measure until compelled by dire necessity, to prevent a mutiny and dissolution of the army. And such was the exhausted situation of the country in the vicinity of Charleston, that the executive and the legislature found it expedient to send a distance into the country to obtain supplies for themselves and the refugee families who were returning to the city after the evacuation—in fact we were under the necessity of taking part of this very provision, to prevent an instantaneous revolt.

But the gentleman (Mr. Boudinot) says that general Greene's private friendship for major Burnett, who had been his aid-de-camp, was a peculiar inducement for his entering into that security, and that major Burnett had mortgaged an island to general Greene as a collateral security.

This indeed was an act of private friendship—but it was a subsequent transaction, and no ways connected with the former, nor is it amongst the