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SATURDAY, MARCH 31, 1792.

[Whole No. 305.]



SECOND CONGRESS OF THE UNITED STATES.

AT THE FIRST SESSION,

Begun and held at the city of Philadelphia, in the State of Pennsylvania, Monday the twenty-fourth of October, one thousand seven hundred and ninety-one.

AN ACT to provide for the settlement of the Claims of WIDOWS and ORPHANS barred by the limitations heretofore established, and to regulate the Claims to INVALID PENSIONS.

SECTION 1. BE it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the operation of the resolutions of the late Congress of the United States, passed on the second day of November, one thousand seven hundred and eighty-five, and the twenty-third day of July, one thousand seven hundred and eighty-seven, so far as they have barred, or may be construed to bar the claims of the widow or orphans of any officer of the late army, to the seven years half pay of such officer, shall, from and after the passing this act, be suspended for and during the term of two years.

SEC. 2. And be it further enacted, That any commissioned officer, not having received the commutation of half pay, and any non-commissioned officer, soldier or seaman, disabled in the actual service of the United States, during the late war, by wounds or other known cause, who did not desert from the said service, shall be entitled to be placed on the pension list of the United States, during life or the continuance of such disability, and shall also be allowed such farther sum for the arrears of pension, from the time of such disability, not exceeding the rate of the annual allowance, in consequence of his disability, as the circuit court of the district, in which they respectively reside, may think just. Provided, That in every such case, the rules and regulations following shall be complied with; that is to say:—First. Every applicant shall attend the court in person, except where it shall be certified by two magistrates that he is unable to do so, and shall produce to the circuit court, the following proofs, to wit:—A certificate from the commanding officer of the ship, regiment, corps or company, in which he served, setting forth his disability, and that he was thus disabled while in the service of the United States; or the affidavits of two credible witnesses to the same effect; The affidavits of three reputable freeholders of the city, town, or county, in which he resides, ascertaining of their own knowledge, the mode of life, employment, labor, or means of support of such applicant, for the last twelve months.—Secondly. The circuit court, upon receipt of the proofs aforesaid, shall forthwith proceed to examine into the nature of the wound or other cause of disability of such applicant, and having ascertained the degree thereof, shall certify the same, and transmit the result of their enquiry, in case, in their opinion, the applicant shall be put on the pension list, to the Secretary at War, together with their opinion in writing, what proportion of the monthly pay of such applicant will be equivalent to the degree of disability ascertained in manner aforesaid.

SEC. 3. And be it further enacted, That the Clerk of the district court, in each district, shall publish this act in such manner as the judge of the district court shall think effectual to give general information thereof to the people of the district, and shall give like information of the times and places of holding the circuit courts in such district. And in districts wherein a circuit court is not directed by law to be holden, the judge of the district court shall be, and he hereby is authorized to exercise all the powers given by this act to the respective circuit courts. And it shall be the duty of the judges of the circuit courts respectively, during the term of two years from the passing of this act, to remain at the places where the said courts shall be holden five days at the least, from the time of opening the sessions thereof, that persons, disabled as aforesaid, may have full opportunity to make their application for the relief proposed by this act.

SEC. 4. And be it further enacted, That the Secretary at War, upon receipt of the proofs, certificate and opinion aforesaid, shall cause the same to be duly filed in his office, and place the name of such applicant on the pension list of the United States, in conformity thereto: Provided always, That in any case, where the said Secretary shall have cause to suspect imposition or mistake, he shall have power to withhold the name of such applicant from the pension list, and make report of the same to Congress at their next session.

SEC. 5. And be it further enacted, That all non-commissioned officers, soldiers and seamen, disabled in the actual service of the United States, during the late war, whose disability and rate of allowance have been ascertained, pursuant to the regulations prescribed by the late Congress, and have not applied to be placed on the pension list, until after the time, limited by the act of Congress for that purpose, was expired, shall now be placed on the pension list, and be entitled to demand and receive their respective pensions, according to the allowances ascertained as aforesaid, any thing in this act, or any act of the late Congress, to the contrary, notwithstanding.

SEC. 6. And be it further enacted, That from and after the passing of this act, no sale, transfer or mortgage of the whole or any part of the pension or arrears of pension, payable to any non-commissioned officer, soldier or seaman, before the same shall become due, shall be valid. And every person, claiming such pension or arrears of pension, or any part thereof, under power of attorney or substitution, shall, before the same is paid, make oath or affirmation before some justice of the peace of the place where the same is payable, that such power or substitution is not given by reason of any transfer of such pension, or arrears of pension, and any person, who shall swear or affirm falsely in the premises, and be thereof convicted, shall suffer, as for wilful and corrupt perjury.

JONATHAN TRUMBULL, Speaker of the House of Representatives.

JOHN ADAMS, Vice-President of the United States, and President of the Senate.

APPROVED, MARCH THE TWENTY-THIRD, 1792.

GEORGE WASHINGTON, President of the United States.

(CIRCULAR.)

BOSTON (Massachusetts) February 28, 1792.

SIR,

WE have had the honor to be appointed a Committee, by the Officers of the Massachusetts line of the late Army, to attend to and prosecute their memorial to the Congress of the United States, on the subject of compensation for the losses sustained by them and the soldiers who served during the war, in consequence of the singular manner in which their services have been acknowledged and required by the United States.

By a letter bearing date June 1, 1791, you were informed of the measures adopted in pursuing that object, and that a memorial was presented to Congress on the subject of our complaint.

Finding that no relief has been afforded, or as far as our information extends, contemplated, and convinced that there is a just debt as yet undischarged on the part of Government, our determination is to repeat our application, and reassert our claim, until we obtain consideration and relief; or until it shall be declared by the voice of the United States in Congress, that our claims are visionary and without foundation; and that a hard-earned *bona fide* debt can be honorably and justly cancelled by certificates received in the first instance by a kind of compulsion, alienated in most cases from necessity, unsupported by funds, and passing in exchange for only a sixth or an eighth of their nominal value.

To the pursuit of this measure we are urged by a conviction that our request is founded on the immutable principles of reason, equity and justice, by a sense of duty to ourselves, and more especially to those faithful companions of the war, who served under our command; whose dispersed and embarrassed circumstances preclude them from application, and in whose behalf we are bound to appear by every principle of affection and gratitude.

Should it be objected that the claim has lain dormant and may have suffered diminution, we would observe, that if America had been conquered by Britain, neither life, liberty, or retribution, would probably have been the lot of many of the present applicants.

To have preferred the application in any of the years of public embarrassment which succeeded the peace, when the government and finances of the country wanted energy and even existence, would have comported neither with the interests nor character of the army. The records of the old government contain ample and frequent acknowledgments that the services have been faithfully performed on one part, together with an universal disposition to remunerate them. And the public inability is the true and only source to which the failure on the part of government can be attributed.

The present government was instituted for the establishment of justice among other great objects. To this end they possess the power and ability. And as we have every confidence in the liberality and justice of the existing administration, we solicit their final decision on the merits of our cause.

To facilitate the object of our wishes, we have judged it expedient to depute an Agent to Congress, to attend to and explain the nature of our application. On the twentieth day of March next, he will be in Philadelphia for that purpose; and this communication, which we beg you to take the earliest opportunity to make known to the Officers belonging to your State, is made to acquaint you with our determination, that, if you should think it expedient to adopt correspondent measures, our attempt may receive the aid of your advice and assistance.

To form a Convention of Officers from all the States, in order to consult and agree on a joint application, has been a favorite object with many; but taking every consideration into view, we have preferred the mode now adopted, and we hope it will meet with your approbation.

General WILLIAM HULL, the person whom we have chosen for our Agent, will give his constant attendance in Philadelphia, during the present session of Congress; and we beg to recommend him to your attention and assistance.

With sentiments of respect, we are,

Sir,
Your most obedient servants,

W. HEATH,
J. BROOKS,
H. JACKSON,
W. EUSTIS,
J. CROCKER,
T. EDWARDS.

(COPY.)

FROM THE WASHINGTON SPY,

Published at Elizabeth-Town, Maryland.

A WRITER in the Winchester paper, speaking of Col. Darke, thus concludes—"From authority, we learn, that through his means the remains of our little army were saved from falling a prey to the savages of the wilderness—and, through his means, were those on the brink of famine in Fort-Jefferson, made to taste the bread of comfort.—Americans, conscious of the services he had rendered their country, in every town—in every village—joy beamed on the countenances of both old and young, when they beheld him safe: how different was their conduct, not many weeks ago, when one in a more exalted station travelled the same road, and from the same place—nought but hissings and murmurings were then heard:—does not this plainly evince, that even *back woods-men* are yet capable of distinguishing, and discovering, that "there is something rotten in the state of Denmark."

A correspondent thinks the very reverse—that those sagacious gentlemen, who behaved in that ridiculous manner, to the commander in chief, are not capable of distinguishing between modest and silent, though unfortunate merit, and that of the bombastic egoist. By a number of publications from that quarter, one would be induced to believe, that, though Gen. St. Clair lost the day, in the late engagement, Col. Darke won it; or that he secured the retreat—when the

brave Major Clark was ordered to, and actually did perform that hazardous task; and that the Colonel purchased provisions and raised troops to relieve the garrison at Fort-Jefferson—whereas he only commanded an escort with provisions which were ordered to that place; and no doubt but he was willing to obey the order, and not the less so on account of his valiant son being in the garrison. Notwithstanding the feeble efforts of paragraphists to depreciate the fame of Gen. St. Clair, his long attested integrity of heart, and great military abilities will secure to him an illustrious and immortal name.

PORTLAND, (District of Maine) March 8.

Extract of a letter.

"I fully agree with you, that ninety-five is the proper time for a separation to take place; and consequently, now is the time to begin the process—There is no time to spare, nor ought a single session of the General Court to be lost, before regular steps are taken by the legislature to effect the object.

Maine will not be a contemptible state, either in numbers or extent of territory—As to inhabitants, they will exceed Vermont, Rhode-Island, Delaware, Kentucky, and Georgia—In extent of territory, as many more: and in progress of increase, second to very few.

If at present they fall behind the other states in a comparison of literature, and science, I must observe, that the seeds of these are thick sown in Maine, which already begin to put forth some promising buds—Three Academies which are established in Maine, with due attention to schools, will abundantly furnish that degree of general knowledge among the great body of the people, which must always be the support of a free government.—While there does not exist any reason to apprehend a want of higher attainments in the professional branches of learning."

NEWPORT, March 10.

Extract of a letter from a gentleman in Providence to his friend in this town, dated March 4.

"The amiable and charitable Mr. Nicholas Brown, who it seems inherits his father's virtues as well as his fortune, has, in addition to many other liberal donations to charitable and public uses, presented to the college of this State, the sum of five hundred dollars to be laid out in law books. His own account of which is contained in the following letter."

(Copy)

Providence, Feb. 3, 1792.

"SIR,

"Under a deep impression of the generous intentions of my honored father, deceased, towards the college of this town, as well as from my own personal feelings towards the institution in which I received my education, and from a desire to promote literature in general, and in particular the knowledge of the laws of our country, under the influence whereof not only our property but our dearest privileges and lives are protected—I have thought proper to give the Trustees and Fellows of Rhode-Island College the sum of five hundred dollars, to be laid out in law books for the use of the college. It is my wish that you communicate this information to the corporation of the college at their next meeting. I have desired Mr. Howell to furnish the catalogue, and as a mark of the esteem of our family for that gentleman, as well as in regard to the office he holds in the college, the books on their arrival are to be placed in his office, and there to remain for his particular use, as well as that of the college in general, so long as he may hold the office of Professor of Law in the College, and then they are to be placed in the College Library.

I am your affectionate Cousin,

NICHOLAS BROWN.

JOHN BROWN, Esq. Treasurer of the College of Providence."

ALBANY, March 19.

From the great demand for sugar kettles of late, we have reason to hope that our premiums will have a decisive good effect: should the state enlarge these bounties for a few years, there can be no question but this valuable branch will be firmly established; and it is well ascertained, that our large forests of maple trees, northward and westward of this city, are abundantly sufficient to supply the whole demand of the United States with this important article.