REPORT

Of the Committee on Pensions and Revolutionary Claims, on the Petition of Mary E. Benton.

JANUARY 6, 1825.
Read: ordered that it lie upon the table.

JANUARY 7, 1825.
Committed to a committee of the whole House to-morrow.

The Committee on Pensions and Revolutionary Claims, to whom was referred the petition of Mary E. Benton, have had the same under consideration, and

REPORT:

That the petitioner states that she is the widow of Captain Selah Benton, deceased; that her late husband entered the army of the United States in the year 1775; that he served from the rank of Sergeant to that of Captain, which last rank he held till the close of the war. Whilst in the service, he, from hardship, became sick, from which he never after recovered. In 1812, Congress, by a special act, granted him a pension of $20 per month; that he lived to enjoy it but a few months; that her late husband never before received, as she believes, from the time he was discharged, any relief from the Government in the form of pension, commutation, or otherwise; she prays Congress will allow her either the arrearages of her late husband's pension from the close of the war to July, 1811, or the amount of his commutation, or continue to her the pension granted him by the act of 1812.

Your committee further report, that no evidence is given to show that Captain Benton served to the end of the war, which alone would entitle him to the commutation; if he had, it is presumed he received it without the knowledge of the petitioner. Your committee are of opinion that it would be unwise to extend the munificence of the Government in continuing to the widow, or representatives of deceased pensioners, the pension allowed in their life-time; nor can they make an exception in this case, to allow back pension. Your committee recommend the adoption of the following resolution:

Resolved, That the prayer of the petitioner ought not to be granted.
To the Honorable the Senate and House of Representatives of the United States, in Congress assembled,

The petition of Mary E. Benton, of the City of New York, widow of Captain Selah Benton, deceased,

Humbly represents:

That Selah Benton, the late husband of your petitioner, entered the army of the United States of America, in the year 1775, as a private, in the regiment commanded by Colonel Charles Webb, and was subsequently promoted to the successive stations of Ensign, Lieutenant, and, finally, to that of a Captain; which rank he held until the close of the Revolutionary war, when he was honorably discharged. His various commissions in the army are now in the possession of your petitioner, and ready to be laid before your Honorable bodies.

Your petitioner further states, that, in the winter of 1779, '80, her husband was stationed in New Jersey, and, in the discharge of his duties as an officer of the army, was exposed to much severe service. That, in consequence of such exposure, he became diseased, and soon after disabled, and so continued during the remainder of his life. That being after leaving the army, reduced by his disease to indigence, and finding himself unable to procure subsistence for himself and family, he petitioned Congress for relief. His petition, with the affidavits proving his services, and his sufferings, during and subsequent to the war, are, as your petitioner has been informed, on file in the room of the Committee of Claims of the House of Representatives, and to them your petitioner begs leave to refer. Prior to that appeal, as your petitioner has always understood and truly believes, her said husband, from the time he was discharged from service, at the close of the Revolutionary war, had never received any relief from the Government, in the form of pension, commutation, or otherwise, although, during the whole of that period, he was diseased and disabled, and thereby reduced to great want. Congress was pleased to consider his case as one deserving its attention and favor; and, accordingly, in the month of January, 1812, passed a law allowing him a pension of $20 a month, from the 1st day of July 1811. Your petitioner's husband enjoyed this bounty of his Government but a few months. In May, 1812, he sunk under the complicated disorders contracted in the public service, and left your petitioner, with several children, distressed and destitute, to endure all the evils of extreme poverty. From that period to the present, your petitioner has had to rely on her own feeble exertions for support; but finding herself at last, from her advanced age, unable longer to procure even the scanty pittance necessary for her subsistence, without appeals to the charity of her friends, she begs leave, respectfully, to lay her case before Congress, and to ask relief from her country. Your petitioner cannot but hope that her prayer will be heard; and that, on a review
of the services of her late husband, and of the sufferings which those services subsequently occasioned both to him and his family, Congress will afford some relief to your petitioner in her advanced age. Your petitioner, therefore, humbly prays, that your Honorable Bodies will be pleased to allow her either the arrearages of her late husband's pension from the close of the war to July, 1811, or the amount of his commutation, no portion of which was ever received by him, or to continue to her the pension granted him by the act of January, 1812, which was received by her said husband but for a few months, and ceased at his death, in May, 1812.

MARY E. BENTON,
Widow of Capt. Selah Benton, deceased.

New York, Dec. 11, 1824.


The Committee of Claims to whom was referred the petition of Captain Selah Benton,

REPORT:
That the petitioner claims a pension, in consequence of bodily disabilities, incurred during his service in the Revolutionary war. The committee are of opinion that the petitioner is not strictly entitled to a pension, according to the rigid provisions of the existing law upon this subject, inasmuch as he was not actually wounded in the war. They are, nevertheless from an examination of all the testimony accompanying the petition, fully convinced that the present application is embraced by the spirit in which the statute, providing for the invalid soldiers of the Revolution, was conceived, and that it ought to be allowed. The petitioner, who, it appears, served with honor and bravery in all the various offices of First Sergeant, Ensign, First and Second Lieutenant, and Captain, from the commencement until almost the close of the war, when he became disabled, has established two positions, entirely to the satisfaction of the committee: 1st. That his disability arose from disease contracted by exposure in the service of his country, and terminating in scorbutic ulcers; and, 2dly. That his disability, thus sustained, has disqualified him from acquiring a maintenance by bodily labor. Your committee, therefore, beg leave to report a bill for the petitioner's relief.

To all whom these presents shall come, greeting:

I certify, that the writing contained on the annexed half sheet is a.
true copy of an act of Congress, duly compared with the original roll in this office.

In faith whereof, I, James Monroe, Secretary for the Department of State of the United States of America, have signed these presents, and caused the seal of my office to be affixed hereunto, at the City of Washington, this seventh day of April, A. D. 1812, and in the thirty-sixth year of the Independence of the said States.

JAMES MONROE.

An act for the relief of Captain Selah Benton.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Selah Benton, who served as a Captain in the American army in the Revolutionary war, be placed on the pension list, and that there be paid to him, in the same manner that other pensions are paid, the sum of twenty dollars per month, to commence from the first day of July, one thousand eight hundred and eleven.

Sec. 2. And be it further enacted, That this act shall commence and be in force from and after the passage thereof.

H. CLAY,
Speaker of the House of Representatives.

GEO. CLINTON,
Vice President of the United States and President of the Senate.

February 21, 1812, Approved:

JAMES MADISON.

STATE OF CONNECTICUT,
Stratford, April 26, 1811.

I Aaron Benjamin, of said Stratford, do certify that, at the first establishment of the regular army, in the year 1777, I became acquainted with Selah Benton, who then entered as Lieutenant in the 8th regiment of Continental troops, commanded by Col. John Chandler, and served with me for several years in that regiment. That, when he went into said army, and for a considerable time afterwards, said Benton appeared to enjoy good health, and to possess a sound constitution. That he went through much hard service in said Revolutionary war, and became sick with ulcers; was sent to the hospital, and, as I verily believe, has ever since continued infirm, in consequence of his said sickness, and incapable of hard labor. That, some time before the close of said war, he obtained a Captain's commission, and was respected as a good and faithful officer. I have known him well ever since, having resided near him till lately, when he removed from Huntington, in Connecticut, into the city of New York.

AARON BENJAMIN.
State of Connecticut, Stratford, in the county of Fairfield, } ss.
Personally appeared, on the 26th day of April, 1811, Aaron Benjamin, of said Stratford, by me well known, and made oath to the truth of the foregoing certificate, by him subscribed in my presence. Sworn before me,

ABIJAH M'Ewen,
Justice of the Peace.

State of Connecticut, Huntington, } ss.

I, Mary Ann Blackman, of said Huntington, depose and say, that, about the close of the late Revolutionary war, Captain Selah Benton, then of said Huntington, came out of the army, and boarded at the house of my father, Ephraim Curtiss; that he was there very sick, and continued so for a long time, and was attended by several physicians, and has ever since been an infirm man, and incapable of hard labor; that I have understood that he sustained the reputation of a good and faithful officer in said army, and a very honest man in his dealings; that he has, since said war, resided in said Huntington, till about a year and a half ago, when he removed, with his family, to the city of New York.

MARY ANN BLACKMAN.

I, Ely Blackman, of Huntington, aforesaid, depose and say, that I have been well acquainted with Capt. Selah Benton, above named, ever since he came out of the army, and have always heard him spoken of as being an excellent officer in the late Revolutionary war; that he served through, or nearly through, said war; and I have ever since known him to sustain the character of a very honest man in his dealings; that he was esteemed, in said army, as an officer of true courage, and went through hard service there; that, ever since the war, he has been an infirm man, and incapable of hard labor, and moved to the city of New York, as mentioned above.

ELY BLACKMAN.

I, Joseph Birdseye, of said Huntington, depose and say, that I became acquainted with Selah Benton, abovenamed, in the year 1758, in the French war, and served with him at Ticonderoga, when Lord Howe was killed; that I have known him well ever since; that he served through the late Revolutionary war, and came out of it sick, afflicted with ulcers, and that he has ever since been an infirm man; and I fully agree with the depositions foregoing, of Ely Blackman, as to said Benton's being a brave man and good officer in said Revolutionary war, and an honest man.

JOSEPH BIRDSEYE.
State of Connecticut,
Huntington, in the Co. of Fairfield. } ss.

Personally appeared Mary Ann Blackman, Ely Blackman, and Joseph Birdseye, all of said Huntington, the deponents abovenamed, to me well known, and of good repute, and made oath to the truth of the foregoing depositions, by them respectively subscribed, in my presence, before me, this 30th day of April, 1811.

LEMUEL JUDSON,
Justice of Peace.

State of Connecticut, } ss.

I further certify, that I have been well acquainted with Capt. Selah Benton abovenamed, ever since the late Revolutionary war; that I have always understood, from correct sources, that he was a brave and faithful officer in the army during said war, and suffered material injury to his constitution, by the hard service endured by him therein; and that the deponents abovesaid are persons of respectable standing in society, whose testimony is entitled to full faith and credit; and that said Benton was reputed, and justly so, to be a worthy, steady, honest man, but infirm as to his health since he came out of the army.

LEMUEL JUDSON,
Justice of Peace.

April 30, 1811.

The deposition of Levi Risley, of East Hartford, in Hartford county, and state of Connecticut, is as follows:

That, early in the Revolutionary war, he became acquainted with Capt. Selah Benton, and knew that, in the severe winter of 1779–80, the said Benton was, most of the time, out on the line, on duty in the neighborhood of Elizabeth-town and Amboy; and that those who were upon that service suffered severely; that most of that winter your deponent was at Springfield, in Jersey; that before this winter service, the said Benton was not only a faithful, enterprising officer, but very active, and appeared to possess a good constitution, and to be capable to perform his duty with honor to himself and advantage to his country—that, in the spring succeeding the winter of 1780, your deponent joined the company which was then commanded by the said Benton, and continued with him as his particular attendant or servant, until December, 1782, and knows that, immediately after the deponent joined said company, that the said Benton was
Complaining from ulcers in his breast and leg—that he kept about, however, until the autumn of that year when his complaint became more troublesome, and he was wholly unable to walk, and so continued until the spring following, when he was removed to the hospital, where he remained until December 1782, as your deponent thinks; that the deponent, before and after his removal, attended to the dressing of the sores of the said Capt. Benton, and knows that they were at first very painful, and for some time we looked upon him as in a dangerous condition; that, from what I knew of Capt. Benton before the year 1780, and of his services at that time, and his situation soon afterwards, I verily believe that his complaint arose from the hardships which he endured in the winter of 1780; that, about December 1782, said Capt. Benton was able and did join his regiment, and your deponent continued with him till he, soon after, was, by his friends, carried home—he, at that time, being unable to walk, except by the aid of crutches, and further your deponent saith not.

Dated at Hartford, this 22d day of May, A. D. 1811.

LEVI RISLEY.

Hartford county, ss. Hartford, May 23d, 1811.

Personally appeared before me Levi Risley, the subscriber of the annexed deposition, and made solemn oath to the truth of the facts therein stated, before me,

TH. S. WILLIAMS,
Justice of the Peace.

The annexed deposition of Levi Risley, is taken at the request of Capt. Selah Benton, to be improved before Joseph D. Fay, Esq. upon a commission issued by the District Court of the district of New York, in the case of the said Selah Benton, or before the District Judge.

TH. S. WILLIAMS,
Justice of the Peace.

The United States of America in Congress assembled.

To Selah Benton, Esquire, Greeting:

We, reposing especial trust and confidence in your patriotism, valor, conduct, and fidelity, do, by these presents, constitute and appoint you to be a Captain in the fifth Connecticut regiment, in the army of the United States, to take rank as such from the 21st day of August, 1780. You are therefore carefully and diligently to discharge the duty of a captain, by doing and performing all manner of things thereunto belonging. And we do strictly charge and require all officers and soldiers under your command, to be obedient to your orders as captain. And you are to observe and follow such orders and directions, from time to time, as you shall receive from this or a future
Congress of the United States, or committee of Congress for that purpose appointed, a committee of the States, or Commander in Chief for the time being of the army of the United States, or any other your superior officer, according to the rules and discipline of war, in pursuance of the trust reposed in you. This commission to continue in force until revoked by this or a future Congress, the committee of Congress before mentioned, or a committee of the States.

Witness his Excellency Thomas McKean, Esquire, President of the Congress of the United States of America, at Philadelphia, the 20th day of October, 1781, and in the sixth year of our Independence.

THOS. McKean, President.

Entered in the War Office, and examined by the Board.

Attest, Jos. CARLETON, Secretary of the Board of War.

The United States of America in Congress assembled,

To SELAH BENTON, Gentleman, Greeting:

We, reposing especial trust and confidence in your partiotism, valor, conduct, and fidelity, do, by these presents, constitute and appoint you to be a Lieutenant in the eighth Connecticut regiment in the army of the United States, to take rank as such from the first day of January, A. D. 1777. You are, therefore, carefully and diligently to discharge the duty of a Lieutenant, by doing and performing all manner of things thereunto belonging; and we do strictly charge and require all officers and soldiers under your command, to be obedient to your orders as Lieutenant. And you are to observe and follow such orders and directions, from time to time, as you shall receive from this or a future Congress of the United States, or committee of Congress for that purpose appointed, a committee of the States, or Commander in Chief for the time being, of the army of the United States, or any other your superior officer, according to the rules and discipline of war, in pursuance of the trust reposed in you. This commission to continue in force until revoked by this or a future Congress, the committee of Congress before mentioned, or a committee of the States.

Witness his Excellency John Jay, Esq. President of the Congress of the United States of America, at Philadelphia, the 10th day of March, 1779, and in the third year of our Independence.

JOHN JAY.

Entered in the War Office, and examined by the Board.

Attest. P. SCULL, Secretary of the Board of War.
In Congress. The Delegates of the United States of New Hampshire, Massachusetts-Bay, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, the counties of Newcastle, Kent, and Sussex, on Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia,

To Selah Benton, Gent. GREETING:

We, reposing especial trust and confidence in your patriotism, valor, conduct, and fidelity, do, by these presents, constitute and appoint you to be first Lieutenant of a company in a regiment commanded by Colonel John Chandler, in the army of the United States, raised for the defence of American liberty, and for repelling every hostile invasion thereof. You are therefore carefully and diligently to discharge the duty of first lieutenant, by doing and performing all manner of things thereunto belonging. And we do strictly charge and require all officers and soldiers under your command, to be obedient to your orders as their first lieutenant. And you are to observe and follow such orders and directions, from time to time, as you shall receive from this or a future Congress of the United States, or committee of Congress, for that purpose appointed, or Commander in Chief for the time being, of the army of the United States, or any other your superior officer, according to the rules and discipline of war, in pursuance of the trust reposed in you. This commission to continue in force until revoked by this or a future Congress. Dated at Hartford, state of Connecticut, the first day of January, A. D. 1777.

By order of the Congress,

JOHN HANCOCK, President.

Attest,

Charles Thomson, Secretary.

In Congress. The Delegates of the United Colonies of New Hampshire, Massachusetts Bay, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, the Counties of New Castle, Kent, and Sussex, on Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia,

To Selah Benton, Esq.

We, reposing especial trust and confidence in your patriotism, valor, conduct, and fidelity, do, by these presents, constitute and appoint you to be Second Lieutenant in a company in the nineteenth regiment of foot, commanded by Colonel Charles Webb, in the army of the United Colonies, raised for the defence of American liberty, and for repelling every hostile invasion thereof. You are, therefore, carefully and diligently to discharge the duty of Second Lieutenant, by doing and performing all manner of things thereunto belonging.
And we do strictly charge and require all officers and soldiers under your command, to be obedient to your orders as Second Lieutenant. And you are to observe and follow such orders and directions from time to time, as you shall receive from this or a future Congress of the United Colonies, or committee of Congress, for that purpose appointed, or Commander in Chief for the time being, of the army of the United Colonies, or any other your superior officer, according to the rules and discipline of war, in pursuance of the trust reposed in you. This commission to continue in force until revoked by this or a future Congress. Philadelphia, August 10, 1776.

By order of the Congress. JOHN HANCOCK, President.

Attest,

CHARLES THOMSON, Sec'y.

In Congress. The Delegates of the United Colonies of New Hampshire, Massachusetts Bay, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, the Counties of New Castle, Kent, and Sussex, on Delaware, Maryland, Virginia, North Carolina, and South Carolina,

To Selah Benton, Gent.

We, reposing especial trust and confidence in your patriotism, valor, conduct and fidelity, do, by these presents, constitute and appoint you to be Ensign of Capt. Edward Shipman's company, in the nineteenth regiment of foot, commanded by Col. Charles Webb, in the army of the United Colonies, raised for the defence of American liberty, and for repelling every hostile invasion thereof. You are, therefore, carefully and diligently to discharge the duty of Ensign, by doing and performing all manner of things thereunto belonging. And we do strictly charge and require all officers and soldiers under your command, to be obedient to your orders, as Ensign. And you are to observe and follow such orders and directions from time to time, as you shall receive from this or a future Congress of the United Colonies, or committee of Congress, for that purpose appointed, or Commander in Chief, for the time being, of the army of the United Colonies, or any other your superior officer, according to the rules and discipline of war, in pursuance of the trust reposed in you. This commission to continue in force until revoked by this or a future Congress. January 1st, 1776.

By order of Congress. JOHN HANCOCK, President.

Attest,

CHARLES THOMSON, Sec'y.
CHARLES WEBB, Esq. Colonel of the seventh regiment of the inhabitants enlisted and assembled for the special defence and safety of his Majesty's Colony of Connecticut,

To Selah Benton, Greeting.

By virtue of the power and authority to me given, in and by the colony of Connecticut, I do, by these presents, reposing especial trust and confidence in your loyalty, courage, and good conduct, constitute and appoint you, the said Selah Benton, to be the Second Sergeant in the ninth company, in the regiment whereof I am Colonel, to proceed under the supreme command of the Commander in Chief of the continental army, for the defence of American liberties: And you are hereby commanded, faithfully and diligently to discharge the duty of a Sergeant in said company, for which this shall be your sufficient warrant.

Given under my hand and seal, at Cambridge, the 30th day of October, A. D. 1775.

CHARLES WEBB, Colonel.

PHINEAS LYMAN, Esq. Major General and Colonel of the first regiment raised in the Colony of Connecticut, in New England, in America,

To Selah Benton, Greeting:

By virtue of the power and authority to me given, in and by the Colony of Connecticut, I do, by these presents, reposing special trust and confidence in your loyalty, courage, and good conduct, constitute and appoint you, the said Selah Benton, to be the First Sergeant in the seventh company, in the regiment whereof I am Colonel, for the ensuing campaign, and to proceed under the supreme command of his Majesty's Commander in Chief, in North America. You are, therefore, faithfully and diligently to discharge the duty of a Sergeant in said company, for which this shall be your sufficient warrant.

Given under my hand and seal, at Hartford, 10th April, 1761.

F. LYMAN.