

REPORT

*Of the Committee on Pensions and Revolutionary Claims, in the case of
Abel Turney.*

MAY 4, 1824.

Committed to a committee of the whole House to-morrow.

JANUARY 25, 1825.

Printed by order of the House of Representatives.

The Committee on Pensions and Revolutionary Claims, to whom was
referred the petition of Abel Turney,

REPORT:

That the petitioner heretofore presented his petition to Congress, on which two several reports were made by a Committee of the House, on the 9th February, 1820, and on the 13th of December, 1822; which several reports your Committee ask to be taken and considered as part of this report; and submit for adoption the following resolution.

Resolved, That the prayer of the petitioner be not granted

REPORT MADE FEBRUARY 9, 1820.

Read: Ordered that it lie upon the table.

The Committee on Pensions and Revolutionary Claims, to whom was referred the petition of Abel Turney, have had the same under their consideration, and

REPORT:

The petitioner states, that he entered into the service of the United States as a *marine*, on board of the ship *Alliance*, in the Revolutionary war, and, while in said service, he was wounded by a ball from the enemy; that, in the year 1792, he was put upon the pension list, at one dollar per month; that, afterwards, to wit: in the year 1808, his pension was increased to a full pension; and he now asks Congress to pay to him a sum equal to a full pension, from the time he was first entitled, until April, 1808, the time when a full pension was granted to him.

The Committee further report, that they presume Congress had the case of the petitioner fully before them at the time they increased his pension, and that it would be inexpedient to provide by law for the payment of any supposed arrears of pension, and therefore recommend the following resolution:

Resolved, That the prayer of the petitioner ought not to be granted.

REPORT MADE DECEMBER 13, 1822.

Read: Ordered that it lie upon the table.

The Committee on Pensions and Revolutionary Claims, to whom was referred, on the 10th December, 1822, the petition of Abel Turney, have had the same under their consideration, and

REPORT:

The petitioner states, that he entered into the service of the United States, as a marine, on board of the ship Alliance, in the Revolutionary war, and, while in said service, he was wounded by a ball from the enemy; that, in the year 1792, he was put upon the pension list, at one dollar per month; that, afterwards, to wit: in the year 1808, his pension was increased to a full pension; and he now asks Congress to pay him a sum equal to a full pension, from the time he was first entitled, until April, 1808, the time when a full pension was granted to him.

The Committee further report, that, on the 9th February, 1820, this petition was presented to the House, and referred to the Committee on Pensions and Revolutionary Claims, who, after an examination of the several matters therein contained, reported, that they presume Congress had the case of the petitioner fully before them at the time they increased his pension, and that it would be inexpedient to provide by law for the payment of any supposed arrears of pension. Fully concurring in the opinion expressed in that report, the Committee recommend the adoption of the following resolution:

Resolved, That the prayer of the petitioner ought not to be granted.

To the honorable Senate and House of Representatives in Congress assembled,

The memorial of Abel Turney, of Fairfield, in the state of Connecticut,

RESPECTFULLY SHEWETH:

That, some time in the month of December, 1780, when in his eighteenth year of age, he enlisted as a marine on board of the ship Alliance, then in the service of the United States, commanded by

John Barry, Esq.; that, soon after his enlistment, while the Alliance was engaged in the capture of two hostile ships of war, your memorialist, by means of a cannon shot from the enemy, had his right leg so broken and fractured that it became for a long time wholly useless, and ever has been, and still is, in such a decrepid state, as to prevent him from any kind of useful bodily labor, the only apparent source of his support. Before any provision was made by Congress, your memorialist submitted his case to the Board authorized by this state to obtain facts, and report make to the state authorities of the disabilities of persons wounded in the Revolutionary war. When the Hon. Eliphalet Dyer, the then Chief Judge of the Superior Court of the State, examined the case of your memorialist, from verbal information only, there then being no specific rules of inquiry by law necessary; thereupon, under mistaken views, and a misapprehension of a correct statement of facts, to be ascertained by rules since pointed out by the laws of the United States in similar cases, the claim of your memorialist was but partially known, and manifestly set forth inconsistent with the true state of facts. Your memorialist would observe, that, in that day of public calamity, there was a degree of remissness prevalent in the state, in the acquirement of correct information, grounded on the prospective liability of subjecting this state to the payment of pensions, insomuch that little formality and correctness was used, and the disabled soldier informed that his case had been attended to, and he, thereupon, placed on the lowest degree of disability. Your memorialist would not be understood to impute any improper motives to the state Board of Examination, other than an economizing zeal, that universally prevailed over the state authorities, laudably justified by the then peculiar state of public pressure from the calamities of war. Not being placed on the general list of invalids of the state, your memorialist caused his case, under the afore-said partial report of Mr. Dyer, to be laid before Congress in 1792, without any further examination, hoping at some future day a door would be opened for his just relief; when he, with one Timothy Mix, both supposed to stand on equal footings of claim, was placed on the pension list of the United States, as may appear by the 2d section of the act of Congress, entitled, "*An act for the relief of certain widows, orphans, invalids, and other persons,*" approved March 27, 1792, by which he was placed on the lowest degree of disability, when, in fact, he ought to have been considered as standing on the highest degree of disability with the said Mix, there being no person authorized or interested, to make known the circumstances regarding his claims. In order to have the true situation of your memorialist known, and be put on the same footing with said Mix, and others in similar situations, he applied, after Congress had assumed the ascertainment of the invalids actually wounded while in the service of the United States, to the Board of Commissioners appointed by the Hon. Richard Law, deceased, then the judge of the District Court of the district of Connecticut; which Board of Commissioners found the claim of your memorialist, as now asked for, to be well authenticated: but said commissisoners, supposing your memo-

rialist had been placed on the state pension list before that time, adjudged that his case did not come within the business of their commission, and thereupon omitted to carry forward his claims, and the documents in support of them.

Your memorialist would further represent to your honorable body, that, by the provisions of the 3d section of the act, entitled "*An act concerning invalid pensions*," approved April 25, 1808, he again made application to the board authorized; and, in compliance of the said act, was then enabled to make his claim, and the circumstances of his disability, fully known. He thereupon was placed on the list as worthy of a full pension, according to the rate therein fixed; and instead of one dollar per month, received previous to that time, has since received his full pension, agreeably to the various laws regarding invalids, on the ground of a disability adequate to a full pension.

Under some discouraging embarrassments by the unfavorable terminations of petitions for an increase of pension, (not the object of your memorialist, but the correction of an error, instead of adding to his right,) he still feels a confidence in the Government of his country that the merits of his case will be attended to, and such measures be adopted as justice demands, by placing him on the footing to receive a corresponding pension with his disability before the act of April 25, 1808, as he was considered by the said act from that date, with others of his fellow citizens, having, under the provisions of that act, had opportunity to make his claims known.

Your memorialist, contemplating the views and spirit of the 5th section of the act, entitled "*An act to provide for persons who were disabled by known wounds received in the Revolutionary war*," approved April 15, 1806, with more assurance, publicly presents his claim to the guardians of the rights of a citizen, as well as the protectors of the treasury of the nation; and, notwithstanding the pressing circumstances of a numerous family, impoverished by sickness, under strict economy of management, leaning upon decrepitude for sustenance, is a sufficient apology for this appeal, still, known duty to himself and justice to the Government, are motives of justification more powerful than any other consideration.

Wherefore, your memorialist would pray your honorable body, in case the testimony accompanying this petition be satisfactory, to cause him to be placed on the pension roll, from the commencement of his disability, to the date of the act of April 25, 1808, as a pensioner deserving the same pension as the last mentioned act considered him, by correcting the mistake made, and he receive a full pension, including that which he had already received during that period, by virtue of the special act of March 27th, 1792; or, in case the accompanying documents are not satisfactory evidence, to authorize the honorable Judge of the United States' court for this district, or some board, to be by him appointed, to examine into the facts set forth in the foregoing memorial, and report make to the present, or some future Congress, that the error complained of may be adjusted on principles of equity, or in any other way grant your memorialist relief, as in duty bound he must ever pray.

ABEL TURNEY.

Dated Fairfield, December 7th, 1819.

The deposition of Benjamin Darrow, of Fairfield town and county, in the state of Connecticut, is as follows, viz:

The deponent deposeth and saith that, in the latter part of the year 1780, he enlisted as an acting midshipman on board the ship Alliance, then in the service of the United States, in the late Revolutionary war, at which time, also, there were eight others enlisted on board of said ship, in company with the deponent; among whom, was Abel Turney, of said Fairfield, then a youngster of about 18 years of age. The deponent saith, on their return voyage from France, they fell in with a twenty gun ship, Atalanta, and a 14 gun brig, Iripassa: both of which engaged, and were captured by the Alliance; when in the actual engagement of those vessels, Mr. Turney had his right leg so broken, by the means of a cannon shot, that his activity was destroyed, and he carried below and placed under the hands of the surgeon. The deponent further saith, that, after said engagement, in about seven days, they came into the port of Boston, when Mr. Turney was placed in the hospital, where he remained between two and three months; that, from the mismanagement of the surgeon, or from the want of proper attention in the hours of battle, or hospital, Mr. Turney has ever been, since that time, and must ever continue, a cripple, in such manner as to render him almost entirely deprived of the means of support from bodily labor, as the fractured bones became lapped and twisted, and of course that limb much shorter than the left leg.

The deponent further saith, that he is unacquainted with the allowance made Mr. Turney, at the time of granting pensions; but from his knowledge of the services and wounds of the said Turney, he ought then to have been considered as being almost totally disabled, as the facts regarding him since, have proved and convinced; and that he, Mr. Turney, is in need of such allowance as ought to have been allowed, and which was allowed soldiers of less disability than he has experienced.

The deponent saith that he has ever been acquainted with the said Turney, from his birth to the present day.

BENJAMIN DARROW.

STATE OF CONNECTICUT, } ss.
Fairfield, Dec. 7, 1819. }

Personally appeared, Benjamin Darrow, and made oath to the truth of the foregoing deposition by him subscribed, before me,

SAMUEL ROWLAND, *Justice of the Peace.*

The deposition of Thomas Elwood, of Fairfield, in the state of Connecticut, is as follows, viz.

The deponent deposeth and saith, that, in the month of November, 1780, he was a recruiting officer belonging to the ship Alliance, a vessel employed by the United States, in the late Revolutionary war; and that he enlisted on board said ship, Mr. Abel Turney, of said

Fairfield, who served on board, and was wounded by means of a cannon shot while engaged in battle, and as to the principal facts related in the deposition of Benjamin Darrow, in the former part of this sheet, which he has read, he can agree as being consistent with truth; and further saith not.

THOS. ELWOOD.

STATE OF CONNECTICUT, }
Fairfield, Dec. 7, 1819, } ss.

Personally appeared Thomas Elwood, and made oath to the truth of the above deposition, by him subscribed, in my presence.

SAML. ROWLAND, *Justice of the Peace.*

These certify that I have been acquainted with Mr. Abel Turney, of Fairfield, in Connecticut, from his youth, and that he was wounded by a broken leg in the Revolutionary War, while in the service of the United States; that he has always been in as great a degree of disability, by reason of his wounds, from the time he received them, as he is at present.

I certify further, that I was formerly one of the Commissioners appointed by the Hon. Richard Law, deceased, a late Judge of the United States, District Court, to take affidavits regarding the wounds received by persons in the late Revolutionary War, and that said Commissioners never did investigate the disability of said Turney, or send forward any testimony on his behalf, on the ground that he did not come within their commission, being, as they understood, placed on the pension list before the date of their commission; from the representation of his claim by the late Judge Dyer, who, I believe, was authorized to report make of all claimants under the laws of the state, and which were, as I understood, assumed by the United States without a strict examination, as was afterwards provided by the laws of the United States.

And I further certify and declare, that it is my opinion that Mr. Turney has always labored under a full disability from his wounds beforementioned, and is, and ever has been, as deserving a full pension as any other of the pensioners that the commissioners ever examined, and had he been within our jurisdiction or power we should have reported him as under the highest degree of disability, and recommended him to a full pension, according to the station he held at the time he received his wound.

I further certify, that I believe Mr. Turney has never been considered as a spendthrift, but that he has ever conducted himself in a prudent and economical manner, and has dependant on him for support a large family, in some degree impoverished by unavoidable sickness.

DAVID BURR.

STATE OF CONNECTICUT, }
Fairfield, Jan. 10, 1820. } ss.

Personally appeared David Burr, Esq. and made oath to the truth of the foregoing certificate, by him subscribed,

SAM'L. ROWLAND, *Justice of the Peace.*

STATE OF CONNECTICUT, }
Stratford, Dec. 8th, A. D. 1819. } ss.

I do certify that I have been for many years acquainted with the within named Abel Turney, and also with the within named Doctor David Hull, and from the respectability of the latter, both as a man and a physician, I have no hesitation in believing his statement regarding the case of the said Turney, as within written, to be true.— I have also examined the leg of the said Turney, and find it to have been badly injured, apparently by an old wound, which I have understood he received while in the service of the United States in the late Revolutionary war.

ROBERT FAIRCHILD.

I, David Hull, of Fairfield, in the state of Connecticut, do certify that I have been acquainted with Abel Turney, of said Fairfield, for thirty years past, having lived in the same neighborhood with him during that period, and been his attending physician. When I was first acquainted with said Turney he was lame with his right leg, in consequence of the bones being badly fractured, and imperfectly set; the bones lap over so as to make the leg two or three inches shorter than the other, his leg crooked, his foot turns out in almost a right angle. Whenever he walks on his leg any considerable distance, it swells, and gives him pain. It is my opinion that, had his leg been amputated he would have had less pain and inconvenience than he has now experienced. His disability has been the same ever since my acquaintance with him, still continues, and probably will always continue as long as he lives.

DAVID HULL.

STATE OF CONNECTICUT, }
Fairfield, Dec. 8, 1818. } ss.

Personally appeared Doctor David Hull, and made oath to the truth of the above deposition by him subscribed, before me,

SAM'L. ROWLAND, *Justice of the Peace.*

I, Pierpont Edwards, of Stratford, in the county of Fairfield, and state of Connecticut, do certify that I am well acquainted with Mr. Abel Turney, of Fairfield, in said state, and have this day examined his wounded limb that he received in the Revolutionary War, and can fully agree to the facts certified by Doctor Hull and others; and am of opinion that Mr. Turney ought to have been entitled to a full pension.

PIERPONT EDWARDS.

Stratford, December 8, 1819.

I hereby certify that Abel Turney, of Fairfield, has shewn to me a wound on his leg which he states he received in the public service during the Revolutionary War. The leg appears to have been broken and not properly set. It is about three inches shorter than the other; and the foot is considerably turned sideways from its natural direction. I presume that Mr. Turney is greatly disabled in the use of his leg, in consequence of this injury.

DAVID PLANT.

Stratford, Conn. December 23, 1823.