30th Congress, 1st Session. [SENATE.] Rep. Com., No. 122.

# IN SENATE OF THE UNITED STATES.

April 12, 1848.

Submitted and ordered to be printed.

Mr. Upham made the following

## REPORT:

*The Committee on Revolutionary Claims, to whom was referred the petition of Nathan Lamme's executor, praying for the allowance of commutation pay by reason of the revolutionary services of the said Nathan, report:*

That the evidence submitted to the committee in support of this claim consists: 1. In extracts from the Washington papers showing that the said Nathan Lamme, in the general arrangement of the 10th Virginia regiment, commanded by Colonel Edward Stevens, was arranged as a lieutenant, by virtue of a commission dated March 3, 1777; that in a return dated 5th of July, 1778, signed by Christian Febiger, colonel commanding 1st Virginia brigade, Captain Nathan Lamme was returned as absent on furlough; and that in the arrangement of the relative rank of the captains of the Virginia line, made at a meeting of the brigade and field officers of that line, on the 23d of September, 1779, agreeably to the orders of the commander-in-chief, Nathan Lamme was arranged as number 48 on the list.

2. A letter from P. Hagner, esq., Third Auditor in the Treasury Department, dated 24th March, 1836, in which he says, "that it appears, from the revolutionary records on file in this office, that Nathan Lamme was a captain in the Virginia continental line, and as such his name is borne on the rolls up to November, 1779; after which the records furnish no evidence of his services. His name, of course, was not returned as being entitled to commutation."

3. A certificate from the auditor of accounts within and for the State of Virginia, showing that on the 21st of July, 1783, a certificate issued to Nathaniel Lamme, as captain of infantry, for £197 5*s.* 8*d.*, for services prior to the 1st of January, 1782, to wit: pay as lieutenant in 10th Virginia regiment, 1st infantry, January, 1777, to 10th September, 1778; and as captain from September 10, 1778, to 31st December, 1781.

4. A land warrant for three hundred acres of land, issued by the Secretary of War under the act of the 15th of April, 1806, dated May 6, 1832.

5. A letter from the Commissioner of Pensions, showing that the

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said Nathan Lamme was pensioned under the act of Congress of the 15th of May, 1828; and,

6. The evidence upon which the pension was granted.

The extracts from the Washington papers and the letter from P. Hagner, esq., show no services rendered by Captain Lamme after November, 1779; but he received pay, as appears by the certificate of the auditor of the State of Virginia, up to December 31, 1781. Captain Lamme, in his sworn declaration made on the 30th of July, 1831, for the purpose of obtaining a pension under the act of the 15th of May, 1828, says that "in November or December, 1781, I was ordered to discharge my company by the adjutant general, whose name, I think, was Hand, or Handy, from the State of Maryland, and received his orders from General Washington. I then had no men to command, and was permitted to return home. I did so, and was not again called into service, as the war was considered to be at an end. I never resigned my commission, and considered myself as belonging to the army until the close of the war in November, 1783."

The resolution of the 15th of May, 1778, promised half-pay for seven years to all military officers commissioned by Congress, who should continue in service during the war, and not hold any office of profit under the States or any of them. The resolution of October 21, 1780, passed on the reduction of the army, declared "that the officers who shall continue in service to the end of the war, shall also be entitled to half-pay during life, to commence from the time of the reduction."

At the request of the officers of the several lines, Congress, on the 22d of March, 1783, resolved "that such officers as are now in service, and shall continue therein to the end of the war, shall be entitled to receive the amount of five years' full pay in money, &c., instead of the half-pay promised for life by the resolution of the 21st of October, 1780." Service to the close of the war was a condition precedent upon which the officers' right to commutation pay depended; but the committee choose to put the rejection of the petitioner's claim upon another ground, to wit, that the acceptance of the pension granted by the act of the 15th of May, 1828, was, of itself, a satisfaction of the half-pay promised by the resolve of October 21, 1780, and a bar to all claim to the commutation of five years' full pay proffered by the resolution of the 22d of March, 1783. The application of the executor of Isaac Bronson for commutation pay was rejected by the Senate upon this ground in 1842. (See report of Senate Committee on Revolutionary Claims, 2d session, 27th Congress, No. 159.) And in 1846, the applications of Samuel Beach and three others, for commutation pay, were rejected by the Senate on the same ground. (See report of Senate Committee on Revolutionary Claims, 1st session, 29th Congress, No. 293.)

The committee do not feel at liberty to overrule these decisions of the Senate, and they therefore recommend the adoption of the following resolution:

*Resolved*, That the prayer of the petition be rejected.