34TH CONGRESS, 3d Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 163.

COL. BENJAMIN WILSON—LEGAL REPRESENTATIVES OF.

[To accompany bill H. R. No. 793.]

JANUARY 30, 1857.

Mr. BROOM, from the Committee on Revolutionary Pensions, made the following

REPORT.

The Committee on Revolutionary Pensions, to whom was referred the memorial of the legal representatives of Colonel Benjamin Wilson, report:

The memorial of the children and other heirs of Colonel Benjamin Wilson, late of Harrison county, in the State of Virginia, deceased, represent: That their said ancestor entered the military service of that State (then a colony) as early as the year 1774, when he served as lieutenant, under Governor Dunmore, against the hostile Indians, and that he continued to hold commissions in the State militia, rising through the successive grades, until the year 1795; that during the period of the revolution he was frequently in active service, and that after the close of that contest he was from time to time in arms against the Indians, until the frontier was quieted by the treaty of Greenville in 1795, about which time he resigned the commission he had held since the year 1781 as colonel of Harrison county militia.

In support of these allegations, the memorialists refer to the histories of the times, in which Colonel Wilson had obtained such reputation as to be mentioned by name with high commendation, and to certain documents recovered from among the few which at this late day remain of the private papers of the deceased veteran.

The memorialists assimilate the services of their ancestor during the revolution to those of the officers of the Virginia State and continental lines, and ask an allowance equivalent to the commutation of half pay granted to those officers.

Although the evidence produced proves much of the service alleged, and the committee are satisfied by the historical and other references that all of it was performed, they are not prepared to recommend the extension of the commutation to any other officers than those to whom it was promised by the resolutions of the continental Congress, and cannot, therefore, report a bill in conformity with the prayer of the memorialists.

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With regard, however, to the claim for services rendered subsequently against the Indians, the case is different.

It is historically known that from the commencement of the revolution to the conclusion of the treaty of Greenville, the western frontier of Virginia was harassed incessantly by threatened or actual Indian hostilities; and Colonel Wilson was undoubtedly, from his military rank, experience, and standing in the community, one of the foremost in the defence of the settlements. Indeed it is stated, from a source of unquestionable authority, that his residence was the refuge of the surrounding settlers in time of danger, and was then and long thereafter known as "Wilson's fort."

It is only, however, during a portion of this period that the services of Colonel Wilson were of such a nature, and are established by such evidence, as to afford ground of such claim as can be recognized by this government according to the existing practice.

It appears from original instructions now produced, signed by General Henry Knox, Secretary of War, and issued on the 13th of April, 1790, that at that date the general government determined to take more efficient measures for the relief of the western frontier, and in this paper directions are given for calling into service portions of the militia of the county, for stating the accounts of the men engaged, and for proving their service in such form as to obtain payment from General Harman, or the commander of the United States troops on the Ohio, under whose direction such service was to be rendered. It was expressly stated that the arrangement was but an experiment, and could not be continued unless great care and economy should be observed by the militia officers in the use of this discretionary power.

These instructions were received by Colonel Wilson, as proved by an endorsement thereon in his own hand, on the 10th of August, 1790; and it further appears by original returns made by him, and a report signed by him as colonel of Harrison county militia, that scouts or rangers were detailed for duty, under these instructions, at various periods from that date to the 2d of December, 1792; that the general government assumed payment of those who were in service when the instructions were received, retrospectively, from the 1st of May, 1790, a date subsequent to that of the instructions, but several months prior to their receipt by Colonel Wilson, and that the last payment made by him was on the 17th of March, 1794.

The precise nature of the services performed by Colonel Wilson in reference to these details is not established fully by the original documents produced. In one case only is it distinctly stated that he himself ordered out the men; but there can be no doubt, from the manner in which the returns were made by him, and from the fact that he stated the accounts and paid off the men, that he acted under the instructions above mentioned, and discharged all the duties thereby imposed. The services thus rendered appear in every respect similar to those performed by militia officers in certain cases during the late war with Mexico, "in organizing volunteers," which have been paid for under the general acts of March 2, 1847, (9 Stat. 206,) and June 2, 1848, (9 Stat. 236,) and the committee are of opinion that the services of Colonel Wilson should be remunerated on the same principle;

they therefore report a bill allowing pay from the date when he received the instructions from the Secretary of War to the date of the discharge of the last detachment of militia called out in pursuance thereof. This period is little more than half that which would be arrived at by taking for its commencement the date when the United States assumed payment of the militia, and for its termination the date of the last payment made by Colonel Wilson to the said troops. Though these dates perhaps mark strictly the beginning and end of Colonel Wilson's service as proven, under the authority of the United States; yet his service is not shown to have been continuous, and, under the circumstances, cannot be supposed to have been so. Payment for the shorter period, therefore, is all that the claimants are entitled to expect.