35TH CONGRESS, 1st Session. } SENATE. { REP. COM No. 32.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 1, 1858.—Ordered to be printed.

Mr. POLK made the following

REPORT.

[To accompany Bill S. 107.]

The Committee on Claims, to whom was referred the petition of Ephraim Hunt, report:

This claim is for the pay and bounty alleged to be due to the petitioner for services as a soldier in the war of 1812. It has twice received the favorable action of the Senate, but in both instances failed to receive the final action of the House of Representatives. The case is well stated in the report made to the Senate at the 1st session of the 33d Congress, (No. 359,) as follows, viz:

The evidence in this case presents the following facts: In December, 1812, Mr. Hunt enlisted at Topsham, Maine, as a private in the service of the United States, as a volunteer for one year, and went, with his company, to Plattsburg, New York. He remained in the service until the 25th September, 1813, when he re-enlisted into Captain Buck's company, United States army. This enlistment, according to his own affidavit, and the affidavits of John Dusten and Daniel Greenlee, who swear that they were present at the time of the enlistment and personally cognizant of the fact, was distinctly stated and understood at the time to be for "during the war," and not for "five years." It was, however, held by the officers to be for five years. He continued in the service until the 14th September, 1815, when the war being closed, he claimed that his term had expired, and requested his discharge, which was refused on the ground that the enlistment was for five years.

Believing, as he says, that he had faithfully served out his term of enlistment, he left the army without his discharge, and without having received either his bounty or any pay for the time he had served. The accounting officers decided, on his application for pay, that he had forfeited all claim on the government by the act of desertion.

He is now in necessitous circumstances, advanced in years, and deprived of the use of his hands by the loss of his fingers, and prays that

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Congress will cause his pay and bounty, for services rendered in fighting the battles of his country in time of war, be allowed him.

The committee are of opinion, from the evidence presented, that when he enlisted, it was his understanding and intention to enlist for the period of the war, although, by some error, he was enrolled for five years. That upon the termination of the war and the restoration of peace to the country, he thought he had faithfully complied with his engagement, and, under that belief, left the army. The committee do not intend to sanction or excuse the course he adopted, but think he should have remained in service until he could have obtained his regular discharge; still, under the peculiar circumstances of the case, and in view of faithful services rendered during the war and till some time after its close, they are of opinion that the government ought not to withhold from the old soldier the small pittance to which his previous patriotic services had entitled him. They therefore report a bill for his relief.