

SURVIVING CHILDREN OF BASIL MIGNAULT.

[To accompany Bill H. R. No. 252.]

MARCH 1, 1860.

Mr. FERRY, from the Committee on Revolutionary Claims, made the following

REPORT.

The Committee on Revolutionary Claims, to whom was referred the petition of the children of Basil Mignault, a revolutionary officer, report:

That this claim was favorably reported on the 24th of January, 1857, and again May the 11th, 1858. The first named report, with the evidence, has been re-examined, and your committee concurring entirely with that report adopt it.

IN THE COURT OF CLAIMS.

BASIL MIGNAULT'S CHILDREN *vs.* THE UNITED STATES.

A.

To the honorable Judges of the Court of Claims of the United States.

The petition of Peter Mignault, of Chambly, in the county of Kent, in Canada East, one of the children of Basil Mignault, deceased, begs leave respectfully to represent unto this honorable court that he is interested as one of the sons and heirs-at-law of the said Basil Mignault in a claim which the said Basil Mignault had against the United States for services in the revolutionary war; that his interest in said claim arises from the consideration that he is one of the children and heirs-at-law of the said Basil Mignault, who died intestate on or about the 20th day of June, A. D. 1832, and in consideration of certain resolves of Congress hereinafter named. And your petitioner further represents unto this honorable court that the said Basil Mignault was commissioned by Congress as a lieutenant in the continental service in the revolutionary war, and served as such to the close, or until reduced or retired. That by a resolution of Congress of October

21, 1780, it was provided that the officers who should continue in the service to the end of the war should be entitled to half pay during life, to commence from the time of their reduction; and by a subsequent resolution of Congress of March 22, 1783, it was further provided that officers then in service, and that should continue therein to the end of the war, should be entitled to receive the amount of five years' full pay in money, or securities on interest at six per cent. per annum, as Congress should find most convenient, instead of half pay promised for life by the resolution of the 21st of October, 1780. That by a resolution of Congress of March 8, 1785, it was further provided, that the officers who retired under the resolve of the 31st of December, 1781, are equally entitled to the half pay or commutation with those officers who retired under the resolve of the 3d and 21st October, 1780.

And your petitioner further represents and shows to this court that the commutation money or half pay provided for in either the foregoing resolves of Congress has never been paid, but remains as a claim due to the said Basil Mignault's children and descendants (heirs-at-law) from the United States, viz: Stephen Mignault, Mary, Francis, Peter, John Baptiste, Lewis, Mary Ann, Basil, and Joseph. Mary, Lewis, and Francis died; Lewis left eight children, viz: Lewis, Basil, Joseph, Stephen, Victor, Cordelia, and Theresa Alicia; Mary left two children, Octave and Odile; Francis left two children, Aurelia and Alfred; two other children died before him, Anthony, who left a boy, whose name is De Mignault; the other, called Joseph, but left no heirs. And they are the owners of said claim acquired by consanguinity and the law of descent, and no others.

Also, they claim the arrears of pension due to the said Lieutenant Mignault from the 3d day of March, 1826, to the 20th day of June, 1832, when he died, and for which pension the said Lieutenant Mignault applied under the act of 15th May, 1828, to the Pension Office, and which was disallowed for want of record proof; that the ruling of the Pension Office they consider erroneous. But for greater certainty as to the said rulings and the evidence, your petitioner prays the proceedings of the Pension Office and the proceedings in Congress may be brought into this court, and made a part of the case.

Your petitioner, therefore, prays that this honorable court will examine into the justice and equity of said claim, and report a bill to Congress for the payment thereof, with interest, unto the legal representatives of the said officer, or such other order or bill as shall seem fit and proper in the premises. And your petitioner as in duty bound will ever pray.

C. K. AVERILL,

Attorney for all the above named heirs.

Dated March, A. D. 1857.

DISTRICT OF COLUMBIA, *County of Washington, ss:*

Calvin K. Averill, now of Washington city, in the county of Washington, in said District, being duly sworn, doth depose and say that

the petition above by him subscribed contains the truth according to the best of his knowledge, information, and belief.

C. K. AVERILL.

Sworn and subscribed before me this 18th day of April, A. D. 1857.
W. THOMPSON, *J. P.*

Resworn before me this 31st March, 1859.

E. M. GARNET, *Ass't Clerk.*

To the honorable Senate and House of Representatives of the United States of America.

The petition of Peter M. Mignault in his own behalf, as well as in the behalf of Stephen, Mary, Peter, John Baptiste, Ann, Basil, and Joseph Mignault, the only now surviving children of Lieutenant Basil Mignault, late an officer in Colonel James Livingston's regiment in the service of Congress in the revolutionary war, begs leave to represent and show to your honorable body that the said Lieutenant Basil Mignault, in the year A. D. one thousand eight hundred and twenty-eight, made application for a pension under the act of Congress of May 15, 1828, which application was acknowledged to have been received by the Secretary of the Treasury on the 20th of November, 1828; that the action of said application was suspended for want of such proof as the regulations and rules of the department required, and before he could procure the necessary proof the said claimant died, to wit, on the twentieth (20) day of June, A. D. 1832, at Chambly, Canada East. And your petitioners further show that the said Lieutenant Basil Mignault was always reported to have been a lieutenant in said war, and to have served the time to be entitled to the provisions of said act of Congress, or the act supplementary thereto of June 7, 1832, and they believe and aver that he was so entitled, which they expect to be able to prove unto your honorable body whenever they can obtain a hearing. And your petitioners further show that at the time of said Lieutenant Basil Mignault's death he left no widow. And your petitioners conceiving themselves entitled to the arrears of pension due to their father at the time of his death, they therefore pray that your honorable body will pass a law authorizing them to be paid said arrears, if on a hearing they shall be found to be entitled thereto, and his land. And they further pray that the same proof filed with the declaration of the claimant in support of his claim may be referred to and used in support of this claim. And your petitioners as in duty bound will ever pray.

P. M. MIGNAULT, et al.

C. K. AVERILL, *witness.*

STATE OF NEW YORK, *Clinton County*, ss:

On this 25th day of October, A. D. 1856, before me personally appeared the above named P. M. Mignault, and made oath that he has

read the above petition subscribed by him, and that the same is true of his own knowledge, except as to those matters which are therein stated to be on his information and belief, and as to those matters he believes it to be true.

M. VAN DERVORT, *Justice Peace.*

IN THE COURT OF CLAIMS.

PETER M. MIGNAULT and others *vs.* THE UNITED STATES.

Schedule.

1. The petition in Court of Claims, A.
2. The petition to Congress, B.
3. Declaration and proofs from Pension Office, C.
4. Affidavit of Jean Goulet, D.
5. Affidavit of Joseph Landry, E.
6. Affidavit of C. K. Averill, F.
7. Letter from Pension Office, December 13, 1836, G.
8. Letter from Pension Office, March 9, 1838, H.
9. Letter from Treasury Department, I.
10. Major Clement Gosselin's certificate, J.
11. House Report, No. 136, 34th Congress, 3d session, K.
12. House Bill, No. 770, 34th Congress, 3d session, L.
13. House Report, No. 373, 35th Congress, 1st session, M.
14. House Bill, No. 563, 35th Congress, 1st session, N.
15. Proof of heirship, O.
16. (Letters of administration, to be furnished, if required.)

SIR: Please to take notice that the above is a schedule of the evidence and papers on file, and on which claimants rely, and that the testimony on the part of claimants is closed.

Dated March 31, 1859.

Yours, &c.,

C. K. AVERILL, *Attorney for Claimants.*

To U. S. SOLICITOR.

C.

Papers from Pension Office.

I hereby certify that the accompanying pages numbered from one to seven inclusive, are truly copied from the originals on file in the office of the Commissioner of Pensions.

GEO. C. WHITING, *Commissioner of Pensions.*

Be it remembered that Geo. C. Whiting, who has signed the foregoing certificate, is Commissioner of Pensions, and that to his attestations full faith and credit are and ought to be given.

In testimony whereof, I have hereunto subscribed my name, and caused the seal of the department to be affixed, on this seven-
[SEAL.] teenth day of December, in the year of our Lord one thousand eight hundred and fifty-six.

R. McCLELLAND, *Secretary of the Interior.*

Revolutionary Claims.

TREASURY DEPARTMENT,
November 20, 1828.

Basil Mignault, of Chambly, in the county of Kent, in Lower Canada, has applied to the Secretary of the Treasury for the benefit of the act entitled "An act for the relief of certain surviving officers and soldiers of the army of the revolution," approved on the 15th of May, 1828.

He states that he was an officer of the continental line, and served as such until taken prisoner, and so remained until the end of the war, at which period he was a lieutenant in Colonel Livingston's regiment of the New York line, and that he did not receive commutation certificates for the five years' full pay granted by the resolve of 22d of March, 1783; and, further, that he has received as a pensioner since the 3d of March, 1826, nothing.

The Third Auditor is requested to report how far these several statements are corroborated by the records in his office.

By order of the Secretary:

F. A. DICKINS.

TREASURY DEPARTMENT
Third Auditor's Office, November 22, 1828.

It further appears that Basil Mignault is not now in the pension list of any agency, and has not been since the 3d March, 1826.

The revolutionary records in this office furnish no information whatever in relation to the services of Lieutenant Basil Mignault, of the New York line.

PETER HAGNER, *Auditor.*

WAR DEPARTMENT, *Bounty Land Office.*

The records of this office do not show that Basil Mignault, as an officer of the New York line, ever received, or is entitled to, bounty land of the United States.

ROBERT TAYLOR.

April 28, 1829.

For the purpose of obtaining the benefits of an act entitled "An act for the relief of certain surviving officers and soldiers of the army of the revolution," approved on the 15th of May, 1828, I, Basil Mignault, of Chambly, in the county of Kent, in the province of Lower Canada, do hereby declare that I was an officer in the continental line

of the army of the revolution, and served as such to the first or fore-part of June, 1776, when I received a furlough from Colonel Livingston to visit my father, who then lay sick at St. Dennis, and was taken prisoner, as is more fully set forth in my deposition herewith, at which period I was a lieutenant in Colonel Livingston's regiment of the New York line. And I also declare that I afterwards did not receive certificates (commonly called commutation certificates) for a sum equal to the amount of five years' full pay, which sum was offered by the resolve of Congress of the 22d of March, 1783, instead of the half pay for life to which I was entitled under the resolve of the 21st of October, 1780.

Witness my hand this 23d day of September, in the year of our Lord one thousand eight hundred and twenty-eight.

BASIL ^{his} + MIGNAULT.
mark.

C. K. AVERILL.

Duly certified.

Know all men by these presents, that I, Basil Mignault, of Chamblly, in the county of Kent, in the province of Lower Canada, do hereby constitute and appoint Thomas Hibbard, of Champlain, Rouse's, Point, my true and lawful attorney, with a power of substitution, for me and in my name to receive from the United States the amount of pay now due to me under the act entitled "An act for the relief of certain surviving officers and soldiers of the revolution," approved 15th May, 1828, as a lieutenant in Colonel Livingston's regiment of the New York line of the army of the revolution.

Witness my hand and seal this 23d day of September, one thousand eight hundred and twenty-eight.

BASIL ^{his} + MIGNAULT.
mark.

C. K. AVERILL.

Duly authenticated.

STATE OF NEW YORK, *Clinton County ss:*

Basil Mignault, age seventy-three years, being duly sworn, doth depose and say, that in the month of September, 1775, he joined the American army under General Montgomery, at St. John's, Lower Canada; that he was commissioned by General Montgomery a lieutenant in Captain Arnold's company, in Colonel Livingston's regiment; that he served in that capacity at the taking of Chamblly, St. John's, and Montreal, and was at the siege of Quebec. And deponent further saith, that on the day the attack commenced, in consequence of intoxication of his captain and the absence of two other captains, he was appointed to command three companies by command of General Montgomery, who at the same time presented him with a sword and

gun, as a mark of respect for his services. This deponent, under Colonel Livingston, commenced the attack at the gates of the St. John's suburbs, and deponent with his own hands set fire to the gates. After the siege was raised deponent retreated with the army to St. John's, where he received a furlough to return home to visit his father, who lay sick and had sent for deponent. On deponent's return home he was taken prisoner by the English, and detained and tried for assisting the Americans. He was acquitted in consequence of their not being able to get witnesses, who had retreated into the United States. And deponent further saith that he endeavored to get to the United States and join his company again, but was prevented by spies who were appointed to watch his movements; that after he was tried he was let out on parole not to leave the parish of St. Dennis. Deponent also saith that he received a certificate of the amount of wages due him at the time of his furlough being granted from Colonel Livingston, and that he has never received anything for his said services, excepting ten dollars; that he gave his commission of the peace to one Benway to get pay for his services and losses, and, as deponent afterwards ascertained, said Benway was drowned and his papers lost.

And further deponent saith not.

his
BASIL + MIGNAULT.
mark.

Sworn and subscribed before me th's 23d day of September, 1828.
C. K. AVERILL, *J. Peace.*

STATE OF NEW YORK, *Clinton County*, ss:

Basil Mignault being duly sworn, doth depose and say that he holds no office of emolument or employment, nor ever has since the American revolution, under the government of Great Britain or government of Canada; and further saith not.

his
BASIL + MIGNAULT.
mark.

Sworn and subscribed before me this 20th day of October, 1828.
C. K. AVERILL, *J. Peace.*

STATE OF NEW YORK, *Clinton County*, ss:

John Baptist Cayeaux being duly sworn, doth depose and say, that he was a private in Captain Arnold's company, in Colonel Livingston's regiment, in the army of the revolution; that he enlisted or first joined the American army at St. John's, and continued to serve until the American army retreated from Canada; that he served under Lieutenant Basil Mignault, and has heard read the affidavits of said Mignault made on the 23d day of September, 1828, and taken before C. K. Averill, justice of the peace; and that the facts contained

in said affidavits in relation to the circumstances of the siege of Quebec, St. John's, Chambly, and Montreal, and of said Mignault being taken prisoner and detained as mentioned in said affidavits, are true.

And deponent further saith, that after the American army retreated from Canada he returned to St. Dennis, where he saw Lieutenant Mignault in confinement by the English, who had taken him prisoner; that he was let out on parole not to leave the parish of St. Dennis. And further deponent saith not.

JOHN BAPTIST ^{his} + CAYEAUX.
mark.

Sworn and subscribed before me this 20th day of October, 1828.

C. K. AVERILL, *J. Peace.*

D.

L'an mil huit cent vingt-neuf, le vingt cin'ue jour du mois de Mai après midi.

Est comparu devant les notaires de la province du Bas Canada sous-signés, Jean Goulet père cultivateur de St. Hyacinthe lequè déclare. Connaitre parfaitement bien Sieur Jean Basile Mignault père, bourgeois de la paroisse St. Joseph de Chambly et dit que sans l'année mil sept cent soixante et quinze il auroit servis dans l'armée Americaine, commandée par le General Mongomerie, que durant le tems de son service, et auroit rue le Sieur Jean Basile Mignault servis dans la'dee armée Americaine en qualite de lieutenant dans la compagnie du Capitaine Jean Baptiste Allen; qu'il est a la connoissauer que le'de Sieur S. B. Mignault a reçu des espions et leur a donné les mayens de se sauver, que le'de Sieur J. B. Mignault, auriot ete fait prisonnier par l'armee Britannique et en ayant en son elargissement il a rejoint la sus'te armée Americaine et auroit centinur a Lernir en iselle, comme lieutenant que le'de Sieur J. B. Mignault a toujours montré une grande fidelité et une bravaure remarquable dans les combats au il a eté et ne dit rien deplus.

Dant acte en brevet à Se. Haycynth les juor et au susd'e et a declaré ne savoir signer de ce en quis lecture fait, un mobragè nul unruevoir ban.

Sa
JEAN + GOULET.
marque.

E. MIGNAULT, *N. P.*

F. A'NE GAUTHIER, *P'nore.*

We, the undersigned, prothonotary of the superior court for Lower Canada, in the district of Montreal, do hereby certify that E. Mignault, esquire, is a notary duly commissioned and sworn for that part of the province of Canada heretofore constituting Lower Canada, and has been, and is now, practising in the said part of the province of Canada, and that the signature "E. Mignault, N. P." set and sub-

scribed at the foot of the document on the other side written, is the signature of the said notary.

Given under our hand and the seal of the said court, Montreal,
[SEAL] this twenty-fourth of October, one thousand eight hundred and fifty-six.

MONK, COFFIN, PAPINEAU, P. S. C.

PROVINCE OF CANADA—DISTRICT OF MONTREAL.

The honorable Jean Chabot, one of the judges of the superior court for Lower Canada, in the province of Canada,

To all whom these presents may concern :

I do hereby certify that Samuel Wentworth Monk, William Craigie Holmes Coffin, and Louis Joseph Amédée Papineau, esquires, are joint prothonotary of the superior court, in the district of Montreal, in the province of Canada ; that the signature “ Monk, Coffin, & Papineau, P. S. C.,” set and subscribed to the foregoing certificate, is the signature of the said prothonotary ; and that full faith and credit is and ought to be given to all copies of papers, extracts, and other acts, by them signed and certified as aforesaid.

In testimony whereof, I have hereunto set my hand to these presents, at the city of Montreal, in the said province, this twenty-fourth day of October, one thousand eight hundred and fifty-six.

J. CHABOT, J. S. C.

E.

L'an mil huit cent vingt-neuf, le vingt-un nue jour du mois de Mai avant midi.

Est comparu devant les notaires de la province du Bas Canada sous-signés, Sieur Joseph Landry, pere, cultivateur de St. Denis. Lequel a déclaré, connaitre parfaitement Sieur Jean Basile Mignault pere Bourgeois de la paroisse St. Joseph de Chambly.

Que dans l'année mil sept cent soixante et quinze le'de d'essosant, auroit servis comme soldat dans l'armée Américaine commandée, par le Général Mongomerie, et dans la compagnie du Capitaine Kait, que durant le tems qu'il se servi dans la'dee armée Américaine il a plaine connaissance que le'de Sieur Jean Basile Mignault, servait aussi dans la'dee armée en qualite de lieutenant dans la compagnie du Capitaine J. Bte. Allin, que le'de Sieur Jean Basile Mignault a fait manter la garde et mante pais, et qu'il a montré dans toutes ses actions sur tout dans les combats la plus grande bravaure et la plus grande fidelité, qu'il a reçu et laché a sa connaissance plusieurs espions et leur à donné les moyens de se sauver, qu'il ne ren le'de Sieur Jean Basile Mignault, s'exposer plusieurs fais a perde la vie

pour loglaire Américaine, sur tout le trente un Decembre de l'année mil sept cent soixante et quinze, en obéissance aux ordres de les superieurs, faire poser et poser lui même des Echelles sur les murs de la ville de Quebec dans les Fouxbourg Se. Jean pour foundre la ville a l'asseau.

En fin quoprés la mort du Général Mongomerie, le de Sieur Jean Basile Mignault a demeuré encore dans l'armée Américaine commandée por le Colonel Levestown, ala petite reviere, attendant des Nouvelles ordres pour agir et ne dit rien deplus.

Dont acte en brevet a Se. Denis en la demeure deed'e Joseph Landry, les jour et au susd'e et a déclaré ne savoir signer de ce enquis lecture faite, un mal rayé, mil.

Sa
JOSEPH + LANDRY.
Marque.

F. A'NE GAUTHIER, *P'nore.*

We, the undersigned, prothonotary of the superior court for Lower Canada, in the district of Montreal, do hereby certify that E. Mignault, esquire, is a notary, duly commissioned and sworn for that part of the province of Canada heretofore constituting Lower Canada, and has been and is now practising as such in the said part of the province of Canada, and that the signature, "E. Mignault, N. P.," set and subscribed at the foot of the above document is the signature of the said notary.

Given under our hand and the seal of the said court, Montreal,
[SEAL] this twenty-fourth of October, one thousand eight hundred and fifty-six.

MONK, COFFIN, PAPINEAU, *P. S. C.*

PROVINCE OF CANADA—DISTRICT OF MONTREAL.

The honorable Jean Chabot, one of the judges of the superior court for Lower Canada, in the province of Canada.

To all whom these presents may concern :

I do hereby certify that Sam'l Wentworth Monk, Wm. Craigie Holmes Coffin, and Louis Joseph Amédée Papineau, esquires, are joint prothonotary of the superior court, in the district of Montreal, in the province of Canada ; that the signature, "Monk, Coffin, & Papineau, P. S. C.," set and subscribed to the foregoing certificate, is the signature of the said prothonotary ; and that full faith and credit is and ought to be given to all copies of papers, extracts, and other acts, by them signed and certified as aforesaid.

In testimony whereof, I have hereunto set my hand to these presents, at the city of Montreal, in the said province, this twenty-
[SEAL] fourth day of October, one thousand eight hundred and fifty-six.

J. CHABOT, *J. S. C.*

F.

DISTRICT OF COLUMBIA, *County of Washington, ss :*

On this 25th day of March, A. D. 1858, personally appeared before the undersigned, justice of the peace in and for said county, Calvin K. Averill, a resident of Rouse's Point, Clinton county, New York, who, being duly sworn, doth depose and say, that he was well acquainted with John Gouley, otherwise called Jean Goulet, the same identical John Gouley who was a soldier, or who was pensioned as such under the act of May 15, 1828, for services as a private in General Hazen's regiment of Canadian refugees in the war of the revolution ; that this deponent was his counsel in an action brought in the supreme court of the State of New York to recover by writ of ejectment, in 1829, a portion of the lands granted to him by the State of New York for the services he rendered as such private in the revolutionary war, in which action he recovered the one moiety thereof; that he was then a man of property, and much respected, and died in 1831, leaving a will in which this deponent was named as executor; that from the time the said Gouley was pensioned until his death he usually came to certify to his pension papers to this deponent, who was then officiating as a magistrate; that his character for truth and veracity was unquestioned. And further deponent saith not.

C. K. AVERILL.

Sworn and subscribed before me this day and year above written.
C. W. C. DUNNINGTON, *J. Peace.*

To be read in evidence.

JNO. D. McPHERSON,
Deputy Solicitor.

G.

PENSION OFFICE, *December 13, 1856.*

SIR : A certified copy of the papers in the case of Basil Mignault, whose application under the act of May 16, 1818, has been disallowed by this office, will be sent you as soon as it can be prepared.

I have the honor to be, very respectfully, your obedient servant,
GEO. C. WHITING, *Commissioner.*

Hon. JACOB BROOM, *House of Representatives.*

H.

PENSION OFFICE, *March 9, 1858.*

SIR : In response to your note of 4th inst., I have the honor to state that Basil Mignault never was a pensioner of the United States. On

the contrary, his claim was rejected for the reason that his service was not shown by the official records, and that the parol testimony filed did not satisfactorily establish a claim under act of May 15, 1828.

I herewith return the papers communicated by you.

Very respectfully, your obedient servant,

S. COLE, *for Commissioner.*

Hon. JOHN HICKMAN, *Ch'n Com. on Rev. Pensions, House of Reps.*

I.

Revolutionary claims under the act entitled "An act for the relief of certain surviving officers and soldiers of the army of the revolution," approved 15th May, 1828.

TREASURY DEPARTMENT, *November 20, 1828.*

SIR: Your claim under the above-mentioned act has been received. It will be examined with all convenient despatch, and the result communicated.

I am, sir, very respectfully, your obedient servant,

RICHARD RUSH.

BASIL MIGNAULT, Esq.,

Chambly, Kent county, Lower Canada.

Care of Thomas Hibbard, Esq., Rouse's Point, N. Y.

J.

Je certifie que l'argent que Jean Goulet a recus en l'anne quatre vingt trois de son excellence le General Washington N. a ete donne au dit Jean Goulet que pour les poinnes et troubles quil avoit en dans fer soyages et rien autre chages.

A Fishkill, le 13 Febr., 1783.

CLEM'T GOSSELIN, *Major.*

I certify the above to be a true copy from the original on file in the clerk's office of the Court of Claims.

Dated March 25, 1858.

E. M. GARNETT, *Assistant Clerk.*

K.

THIRTY-FOURTH CONGRESS, THIRD SESSION.—HOUSE OF REPRESENTATIVES.
REPORT No. 136.

BASIL MIGNAULT—CHILDREN OF.

[To accompany bill H. R. No. 770]

January 24, 1857.—Mr. K. Miller, from the Committee on Revolutionary Pensions, made the following report:

The Committee on Revolutionary Pensions, to whom was referred the petition of Peter M. Mignault, report:

That it appears from the papers and testimony transmitted from

the Pension Department, that Basil Mignault, a resident of Chambly, in the county of Kent, Lower Canada, on the 20th of November, 1828, made and filed his application for a pension under the act entitled "An act for the relief of certain surviving officers and soldiers of the army of the revolution," approved on the 15th day of May, 1828. That by the rules of the department, the claimant was required to make oath in support of his declaration, in addition to other evidence offered.

The applicant in this case made oath that in the month of September, 1775, he joined the American army, under General Montgomery, at St. John's, Lower Canada; that he was commissioned by General Montgomery a lieutenant in Captain Arnold's company in Colonel Livingston's regiment; that he served in that capacity at the taking of Chambly, St. John's, and Montreal, and at the siege of Quebec; that on the day of the attack, in consequence of intoxication of his captain, and the absence of two other captains, he was appointed to command three companies by command of General Montgomery, who at the same time presented him with a sword and gun as a mark of respect for his services; that he, under Colonel Livingston, commenced the attack at the gates of the St. John's suburbs, and that he with his own hand set fire to the gates; that after the siege was raised he retreated with the army to St. John's, where he received a furlough to return home to visit his father, who lay sick, and had sent for him, and on his return home was taken prisoner by the English, and tried for assisting the Americans. He was, however, acquitted, in consequence of their not being able to get witnesses, who had retreated into the United States. That he exerted himself to escape to the States and join his company again, but was prevented by spies appointed to watch his movements. That after he was tried, he was let out on parole not to leave the parish of St. Dennis; and at the time he received his furlough he also received a certificate from Col. Livingston of the amount of wages due him; and that he never received anything for his services, except ten dollars; that his commission, &c., was delivered to one Benway to get pay for his services and losses, and he was drowned and his papers lost. The truth of his declaration was supported by the testimony of a witness who enlisted as a private in the same company, and served under the orders and command of said Lieutenant Mignault from the time he joined the American army at St. John's until he was taken prisoner, corroborating the said Lieutenant Mignault in all the particulars of his services, and imprisonment, and parole to the limit of the parish of St. Dennis during the war.

There being no record evidence of the services, the department called for further corroborating evidence; and it appears, while evidence was collecting, in compliance with the requisition, and some had been obtained, he died, to wit, on the 20th day of June, 1832, and no further prosecution of the claim was made until now. The evidence the old man was collecting, in order to renew his claim, is now offered in connexion with the papers and testimony on file in the Pension Office, a duly certified copy of which has been furnished your committee from the Commissioner of Pensions. This additional evi-

dence is corroborative of the main statements before given, and, in the opinion of your committee, there is evidence sufficient to entitle the children of the officer to all the benefits which were intended to be conferred on the officer by the act of May 15, 1828, as also under the acts of September 16, 1776, and resolution of October 21, 1780, granting half-pay, &c. It further appears by the Pension Office papers transmitted to your committee, that he did not receive the quota of land to which he was clearly entitled, unless, unfortunately, his being a prisoner under parole to the close of the war should be construed not to be service. But your committee believe otherwise; and knowing that Congress, previous to and at the time of the expedition in Canada, issued and caused to be circulated proclamations, (see Journal of Congress, vol. 1, pages 40 to 45, and 74 to 76, 245 to 246,) inviting the Canadians to join our army and they should be protected; and that Lieutenant Mignault, having responded to the same, by reason of which he was deprived of his property and liberty, and having received only ten dollars for his services, your committee believe the several acts of Congress before mentioned were intended to benefit officers of the class and character of the services rendered by the officer in question, and they recommend a bill accordingly.

L.

THIRTY-FOURTH CONGRESS, THIRD SESSION—REPORT NO. 136.—H. R. 770.

IN THE HOUSE OF REPRESENTATIVES.

JANUARY 24, 1857.—Read twice, and committed to a Committee of the Whole House to-morrow.

Mr. Killian Miller, from the Committee on Revolutionary Pensions, reported the following bill:

A BILL for the relief of the surviving children of Basil Mignault.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury of the United States be, and he is hereby, directed to pay to the surviving children of Lieutenant Basil Mignault, the arrears of pension due to him under the act of May fifteen, eighteen hundred and twenty-eight, entitled "An act for the relief of certain surviving officers and soldiers of the army of the revolution," from the third day of March, eighteen hundred and twenty-six, to the twentieth day of June, eighteen hundred and thirty-two, when he died, at the rate of three hundred and twenty dollars per annum; and the Secretary of the Interior is hereby directed to issue to said children land warrants to the amount of two hundred acres, the quota said officer was entitled to under the resolution of Congress of September sixteen, seventeen hundred and seventy-six.

SEC. 3. *And be it further enacted*, That the name of said Lieutenant Basil Mignault be placed on the revolutionary records in the Treasury Department as having served to the end of the war, and entitled to receive the same pay that other officers became entitled to by the resolution of Congress of October twenty-first, seventeen hundred and eighty, granting half-pay for life, or any subsequent acts relating thereto.

M.

THIRTY-FIFTH CONGRESS, FIRST SESSION.—HOUSE OF REPRESENTATIVES.—
REPORT No. 373.

BASIL MIGNAULT—CHILDREN OF.

[To accompany Bill H. R. No. 563.]

MAY 11, 1858.—Mr. Hickman, from the Committee on Revolutionary Pensions, made the following report:

The Committee on Revolutionary Pensions, to whom was referred the petition of Peter M. Mignault, report:

That it appears, from the papers and testimony transmitted from the Pension department, that Basil Mignault, a resident of Chambly, in the county of Kent, Lower Canada, on the 20th of November, 1828, made and filed his application for a pension under the act entitled "An act for the relief of certain surviving officers and soldiers of the army of the revolution," approved on the 15th day of May, 1828. That, by the rules of the department, the claimant was required to make oath in support of his declaration, in addition to other evidence offered.

The applicant in this case made oath that, in the month of September, 1775, he joined the American army, under General Montgomery, at St. John's, Lower Canada; that he was commissioned by General Montgomery a lieutenant in Captain Arnold's company, in Colonel Livingston's regiment; that he served in that capacity at the taking of Chambly, St. John's, and Montreal, and at the siege of Quebec; that on the day of the attack, in consequence of intoxication of his captain, and the absence of two other captains, he was appointed to command three companies by command of General Montgomery, who at the same time presented him with a sword and a gun as a mark of respect for his services; that he, under Colonel Livingston, commenced the attack at the gates of the St. John's suburbs, and that he with his own hand set fire to the gates; that after the siege was raised he retreated with the army to St. John's, where he received a furlough to return home to visit his father, who lay sick, and had sent for him, and on his return home was taken prisoner by the English, and tried for assisting the Americans. He was, however, acquitted, in consequence of their not being able to get witnesses, who had retreated into the United States. That he exerted himself to escape to the States and join his company again, but was prevented by spies appointed to watch his movements. That after he was tried, he was let out on parole not to leave the parish of St. Dennis; and at the time he received his furlough he also received a certificate from Colonel Livingston of the amount of wages due him; and that he never received anything for his services,

except ten dollars ; that his commission, &c., was delivered to one Benway to get pay for his services and losses, and he was drowned and his papers lost. The truth of his declaration was supported by the testimony of a witness who enlisted as a private in the same company and served under the orders and command of said Lieutenant Mignault from the time he joined the American army at St. John's until he was taken prisoner—corroborating the said Lieutenant Mignault in all the particulars of his services and imprisonment, and parole to the parish of St. Denis during the war.

There being no record evidence of the services, the department called for further corroborating evidence ; and it appears while evidence was collecting, in compliance with the requisition, and some had been obtained, he died, to wit, on the 20th day of June, 1832. The evidence the old man was collecting, in order to renew his claim, is now offered in connexion with the papers and testimony on file in the Pension Office, a duly certified copy of which has been furnished your committee from the Commissioner of Pensions. This additional evidence is corroborative of the main statements before given, and, in the opinion of your committee, there is evidence sufficient to entitle the children of the officer to all the benefits which were intended to be conferred on the officer by the act of May 15, 1828, and they recommend a bill accordingly.

N.

THIRTY-FIFTH CONGRESS, FIRST SESSION.—HOUSE OF REPRESENTATIVES.—
REPORT No. 373.

IN THE HOUSE OF REPRESENTATIVES.

MAY 11, 1858.—Read twice, and committed to a Committee of the Whole House to-morrow.

Mr. HICKMAN, from the Committee on Revolutionary Pensions, reported the following bill :

A BILL for the relief of the surviving children of Basil Mignault, an officer of the revolutionary war.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury of the United States be, and he is hereby, directed to pay to the surviving children of Lieutenant Basil Mignault the arrears of pension due to him under the act of May fifteen, eighteen hundred and twenty-eight, entitled “ An act for the relief of certain surviving officers and soldiers of the army of the revolution,” from the third day of March, eighteen hundred and twenty-six, to the twentieth day of June, eighteen hundred and thirty-two, when he died, at the rate of three hundred and twenty dollars per annum.

O.

STATE OF NEW YORK, *County of Clinton, ss :*

I, Perry G. Ellsworth, judge of Clinton courts and surrogate, do hereby certify that satisfactory evidence was presented to me at my

office, in open court, of the fact that Lieutenant Basil Mignault, of Livingston's regiment in the war of the revolution, died at Chambly, Canada East, on the 20th day of June, A. D. one thousand eight hundred and thirty-two, and that his widow died the thirty-first day of August, A. D. 1832; and they left the following children and descendants their heirs-at-law, viz: Stephen, Mary, Francis, Peter, John Be. Louis, Mary Ann, Basil, and Joseph. Louis, Mary, and Francis died since. Louis left eight children, viz: Louis, Basile, Joseph, Stephen, Victor, Cordilie, and Theresa Celicia. Mary left two children, Octave and Odile; Francis left two, Amilie and Alfred; two other children died before him—Anthony, who left a boy whose name is Dr. Mignault; the other called Josephte, but left no children.

In testimony whereof, I have hereunto set my hand and affixed my seal this 25th day of November, A. D. 1856, at the surrogate's [L. s.] office, in the town of Plattsburg, in the county of Clinton, State of New York.

P. G. ELLSWORTH,
Surrogate.

Letter from Commissioner of Pensions.

PENSION OFFICE, May 19, 1859.

SIR: In answer to your letter of 5th instant, I have to inform you that I find in this office the original field and staff rolls, and also company rolls of Colonel James Livingston's "Canadian" regiment of the continental line of New York, from August, 1777, to December, 1780, both inclusive, but not earlier. The field and staff officers were as follows: From August, 1777, to October, 1778, three field and five staff officers; from November, 1778, to February, 1779, three field and six staff officers; from March to August, 1779, three field and four staff officers; from August, 1779, to November, 1780, two field and four staff officers; and for December, 1780, two field and two staff officers. During all this time the name of Basil Mignault is nowhere found as an officer of the regiment in any capacity whatever. The regiment was originally raised as one composed of Canadians, but was afterwards incorporated into the New York continental quota.

Colonel Livingston's commission was dated November, 1775; the other commissions in his regiment date from February, 1776, and later.

Congress approved the raising of Livingston's regiment by resolutions of 8th January, 1776, and August 15, 1776, and directed its officers to be commissioned by resolution of November 7, 1776.

Although Livingston's regiment was not one of the quota assigned to New York, yet the letter of Jacob Cuyler to William Duer, of December 14, 1776, (Am. Archives, fifth series, vol. 3, page 1221,) and the letter of the New York convention to General Washington, without date, (same volume, pages 1263-4,) show that it was regarded as a New York regiment, and it must have become such, on continental establishment, about the commencement of the year 1777.

The above is all the information I possess on the subject of your letter that seems to be responsive to its inquiries. The sworn statement of Mignault, and that of one witness in his behalf, are on file in this office, and copies of them will be furnished, if desired.

Very respectfully, sir, your obedient servant,

GEO. C. WHITING, *Commissioner.*

J. D. McPHERSON, Esq.,

Deputy Solicitor Court of Claims—Present.