ARCHIBALD CRARY—HEIRS OF.

[To accompany bill H. R. No. 538.]

June 17, 1864.—Ordered to be printed.

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

REPORT.

The Committee on Revolutionary Claims, to whom was referred the memorial of Archibald C. Crary, asking the balance of pay due the heirs of the late Colonel Crary, deceased, on account of military services rendered in the army of the Revolution, respectfully report:

That the memorial is true in relation to the facts stated. That an elaborate report was made to this House by the honorable Dutée J. Pearce at the first session of the twenty-fourth Congress, (No. 337,) which is adopted and made a part of this report.

A memorial of the petitioner was presented by the honorable Roscoe Conklin at the 1st session of the 37th Congress, and was referred to their Committee on Revolutionary Claims, who reported that “the memorial is true,” and submitted with that report a bill providing for the payment of the balance of pay due at the time of his discharge from the army of the Revolution to the late Colonel Crary for services as a colonel of a regiment of the Rhode Island brigade. The committee find in the papers accompanying that report, and in the certified statements of the secretary of state of the State of Rhode Island accompanying the memorial, ample evidence of the truth of the statements contained in the petitioner’s memorial.

The committee adopt the aforesaid report of the select committee of the 24th Congress, to whom the memorial of the then surviving officers and soldiers of the Rhode Island brigade had been submitted, and respectfully submit that statement as part of this report.

It is the opinion of your committee, that the acts and resolves of the Continental Congress, so far as they relate to the indebtedness of the confederation, were merged in article 6, section 1, of the Constitution of the United States; and they apprehend that Congress professes no constitutional power to legislate in reference to demands for military services rendered to the confederation, except so far as it is necessary to ascertain the amount that from evidence appears to be due the legal representatives of an officer or soldier who rendered service in the army of the Revolution, and to provide for its payment.

Article 6, section 1, of the Constitution is in these words: “All debts contracted and engagements entered into before the adoption of this Constitution shall be as valid under this Constitution as under the confederation.” This is an assumption by the people of the United States “of all debts contracted and
engagements which had been entered into by the confederation." There can be no more explicit assumption of those debts and contracts than is contained in article 6, section 1, of the Constitution.

Your committee unanimously report the accompanying bill to pay the heirs of the said Colonel Crary the sum of $1,256 44, being balance due him on depreciation of his pay, as found due him by a committee of the legislature of Rhode Island in 1784, and respectfully recommend its passage; and further recommend that said amount be paid by certificates of indebtedness, redeemable at the pleasure of the government, bearing six per cent. interest, payable annually.