

PRISCILLA C. SIMONDS.

[To accompany S. bill No. 54.]

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FEBRUARY 16, 1854.

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Mr. EDGERTON, from the Committee of Claims, made the following

## REPORT.

*The Committee of Claims, to whom was referred Senate bill No. 54, "for the relief of Priscilla C. Simonds," report:*

That after carefully examining the papers accompanying the bill, no satisfactory reasons could be adduced in support of a recommendation to approve the action of the Senate. The passage of a bill like the one under consideration would enlarge the responsibilities of the government to an extent hitherto unknown in our country, and that without producing a corresponding benefit either to the United States or to the officers of the army. An exemption of the officer from all responsibility for the safety of property, and an insurance by the United States of all of the personal effects of its employés (either military or civil) from loss by accident, violence, or breach of trust, would be followed by profuse expenditures, inefficiency, and other unhappy consequences to both parties.

Governed by these views in arriving at a decision, the committee have not thought it necessary to explain the case further than this: the papers fail to legally prove that the property of Moses H. Simonds was ever received by Major Reynolds, and they do not prove the value of the property at the time it is alleged to have been received by him.

The committee append the papers hereto for the further information of the House, and recommend that the bill from the Senate be rejected.

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*To the honorable the Senate and House of Representatives of the United States of America in Congress assembled:*

Your petitioner, Priscilla C. Simonds, widow of Moses Simonds, late of Saybrook, in the county of Ashtabula, and State of Ohio, respectfully represents: That she is the only surviving parent of Moses H. Simonds, who died at Council Grove on the 25th day of July, 1847, as she is informed and believes; that the said Moses H. Simonds was, at the time of his death, captain of company H, in the 3d regiment of Missouri mounted volunteers, then in the service of the United States, en route for Santa Fé. She further avers that she is informed, and be-

lieves, that her said son, in fitting out himself and company for that expedition, was at a necessary expense of more than one thousand dollars; that after his death, which occurred in the Indian country, his property and effects of every kind and description were taken possession of by Major Reynolds, of said 3d regiment, by virtue and in accordance with the rules and regulations of the army. She further states that no part of said property or effects was ever returned to the States. And she is informed and believes that Major Reynolds himself never returned, and that he died upon that expedition. She further states, that she made application to the Pension Office, and was informed by the authorities that Major Reynolds never made any report of the property so taken into his possession, and that the department had no power to make any remuneration therefor without special legislation upon the subject. And your petitioner further represents, that her said son, being an officer, was not entitled to bounty land; and that, having been but a few weeks in the service, his pay amounted to merely a nominal sum. Your petitioner therefore respectfully submits to the consideration of your honorable body whether, in consideration of the fact that said property was duly received into the custody of the officer of the government for that purpose provided, remuneration therefor ought not to be made. Your petitioner further represents, that she has found it difficult to obtain proofs in the case, but she has succeeded in obtaining the deposition of one of the lieutenants in said company H, which she is aware fails to enumerate much of said property belonging to her said son, consisting of money, trunks, clothing, &c.; but as she believes the affidavit is honestly made, she hereto appends it, (marked A.) And in proof that said property and effects went into the hands of Major Reynolds, she hereto attaches a copy of a letter, the original of which is attached to her application now in the bureau of the Second Auditor of the Treasury Department. The letter is truly copied, and was received from Seth M. Hays, the agent at Council Grove, where her said son died. The copy hereto attached is marked B. Your petitioner further represents, that the said Moses H. Simonds died single, and had never been married; for proofs of which, &c., she prays reference may be had to the files accompanying her application in the Treasury Department aforesaid.

And your petitioner, as the heir recognised by the government in such cases, prays that, in consideration of the premises, your honorable body will make to her such remuneration as shall be just and reasonable for the said losses and expenditures of her said son; and, as in duty bound, will ever pray, &c.

PRISCILLA C. SIMONDS.

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A.

STATE OF MISSOURI, *County of Gentry*, ss:

I, George K. Culp, do solemnly swear: That I was intimately acquainted with Moses H. Simonds before he went into the service of the United States; that he was captain of company H, third regiment of

the Missouri mounted volunteers; that he was mustered into the service of the United States at Independence, Missouri, on the 12th day of June, A. D. 1847; and that I was second lieutenant (duly commissioned) of said company H, third regiment of the Missouri mounted volunteers, until the said Moses H. Simonds died, and that I enlisted at the same time; that the said Moses H. Simonds took into the service three first-rate horses and good riggings, suitable for a campaign of the kind, as follows, to wit: a good sword, holster of horse pistols, revolver and Bowie-knife, blankets, &c.; also, uniform and clothing necessary for a three years' campaign, and a good patent-lever watch, and believe no part of that property was ever returned, and have no knowledge of what disposition was made of the property, except the report that it was taken possession of by Major Reynolds; and it is my opinion his said property, at the time said Simonds was mustered into service, was worth four hundred and eighteen dollars, as follows, to wit: one horse, \$95; one horse, \$75; one horse, \$65; horse pistols and sword, \$24; revolver, \$25; Bowie-knife, \$4; patent-lever watch, \$25; saddle, bridle, and martingales, \$25; saddle-bags, \$5; uniform, clothing, and blankets, \$75; and I am disinterested in the aforesaid case.

GEORGE K. CULP.

Sworn to and subscribed before me, this 3d day of April, A. D. 1850.

ELISHA CAMRON, *J. P.*

I hereby certify that I am acquainted with George K. Culp, who subscribed the above affidavit, and that he is a respectable citizen, and entitled to full credit as a witness.

ELISHA CAMRON, *J. P.*

STATE OF MISSOURI, *County of Gentry, ss:*

I, George W. Birch, clerk of the county court within and for the county of Gentry aforesaid, do hereby certify that Elisha Camron, before whom the affidavit of George K. Culp purports to have been made, is a justice of the peace within and for said county, duly commissioned and sworn, and that the above and foregoing is his signature.

In testimony whereof, I have hereunto set my hand and affixed the [L. s.] seal of said court, at office, this 3d day of April, A. D. 1850.

GEORGE W. BIRCH, *Clerk.*

B.

COUNCIL GROVE, *February 1, 1848.*

DEAR SIR: Your favor of the 26th October came safe to hand, and contents noted. In reply, I would say that your lamented brother, Captain M. H. Simonds, came to my house at this place with his company, en route to Santa Fé, in the evening of the 17th of July, and died on the 25th. This is distant from Fort Leavenworth about one hun-

dred and forty-five miles. He was sick when he came, he having been taken ill, as I learn, at the fort. His disease was congestion of the brain. He was out of his head when he arrived, and remained so until he died, which was about three o'clock in the afternoon; he is buried west of my trading-house, on the prairie, about four hundred yards. As regards his effects after his death, Major Reynolds, of the third regiment, mounted men of the Missouri volunteers, came and took possession of them, by army regulations, as he said, and disposed of them at public sale to the highest bidder; everything was sold, even to his boots and spurs. Previous to giving up his effects, Major Reynolds promised to pay me his bill of expense, which was \$14 50; but after he got them in his possession he most ungentlemanly refused. His saddle, sabre, and all his military equipments, together with all his effects, to the smallest article, were given up and disposed of as mentioned above.

I am, very respectfully, your obedient servant,

SETH M. HAYS.

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JEFFERSON, OHIO, *November 24, 1851.*

DEAR SIR: Enclosed I send you a petition on behalf of my mother, which, if you deem meritorious, I wish you to present to the Senate.

I think you were acquainted with my brother before he went to Missouri. He was in practice there as a lawyer, and had a respectable library, and was doing some business; and, as I am informed, did not owe a debt in the world at the time he went into the service. He then mortgaged his library, and everything else he had, to enable his men to procure horses, &c., for their outfit; and the result has been, that everything he left was required to pay off these claims. What my mother now asks, is pay for property that actually went into the hands of the government. If this property had been lost in battle, if his horses had strayed, or been lost by drowning, or any other casualty to the property itself, the laws already make provision for payment. If the property had been left at Council Grove, where he died, we then might have obtained the property itself. But it seems that, in pursuance of law, it has been placed beyond our reach, by the act of the government itself. Does not justice require the government to respond?

Very respectfully, &c.,

C. S. SIMONDS.

HON. B. F. WADE.