

MAJOR BAYLEY'S BATTALION OF ILLINOIS VOLUNTEERS.

FEBRUARY 3, 1858.—Ordered to be printed.

Mr. CURTIS, from the Committee on Military Affairs, made the following

REPORT.

The Committee on Military Affairs, to whom were referred the petition, papers, and a bill relating to the payment of Major Bayley's battalion of Illinois volunteers, have had the same under consideration and submit the following report:

It appears from the papers that this battalion was called out by the governor of Illinois to defend the frontiers, in the year 1832, against the hostilities commenced by certain tribes of Indians under the lead of Black Hawk.

It also appears from the petition that these volunteers were neither mustered in nor out of the United States service, and could, therefore, only be regarded as troops in the service of the State of Illinois. It has been the usage of Congress to avoid any recognition of such State service until it has been adjusted, paid for, and presented by the State as a claim of a State against the government of the United States.

Therefore, without expressing any opinion on the merits of the claimants, the committee decline any recognition of this class of claims, believing that it would improperly induce citizens to look beyond the sovereign power of their own State authorities to that of the general government. Besides the dangers of errors and frauds that might arise in the reference of such matters to the more remote, and therefore less competent, authority to determine the rights of persons engaged in such service, there is danger of insubordination and confusion, or conflict of action.

For these reasons, in the opinion of the committee, these petitioners should look to the authorities of Illinois, under whose orders they repaired to the post assigned them to defend their State and country against Indian hostilities and devastation.

The committee therefore report adversely to the prayer of the petitioners.