

IN SENATE OF THE UNITED STATES.

JANUARY 23, 1843.

Ordered to be printed.—To accompany bill H. R. 456.

Mr. BATES submitted the following

REPORT :

*The Committee on Pensions, to whom was referred the bill (H. R. 456) for the relief of Samuel Neely, report :*

The petitioner states that, in 1792, he enlisted in Captain Alexander Gibson's company and joined General Wayne's army; at an attack on Fort Recovery, on the 30th of June, 1794, by fifteen hundred Indians, he was wounded by a rifle-ball in the hip, which has disabled him. The only evidence of his enlistment, service, or wound having been received in service, results from his own statement and the testimony of Michael Fee. Fee says the petitioner did serve in Captain Gibson's company, in Major Peter's batallion, and was in the battle on the 30th of June at Fort Recovery, and in that battle was wounded in the hip.

Two surgeons testify that "they have examined the cicatrix of the petitioner's wound, and that the wound appears to have been made by a ball, entering the hip and passing through one of the large muscles, and making its exit near the hip-joint, so as, in a considerable degree, to interfere with his power of laboring for a support."

Another witness testifies that "for twenty-five years the petitioner has been lame in his left leg or hip, and scarcely able to do any work from the effects of a wound, according to his best knowledge and belief."

This is the substance of the testimony. The decisive battle of General Wayne was fought on the 20th of August, 1794, and not at Fort Recovery. Nor is it recollected that any battle was fought at Fort Recovery at the time and of the character stated by the petitioner. The witness Michael Fee does not testify that he was himself in the service, or had a personal knowledge of the infliction of the petitioner's wound. Forty years elapsed after he received it before he applied for a pension, and he assigns no reason for the delay. There is no evidence from any officer of the company, or from the surgeon or superintendent of the wounded, nor is there any evidence from any soldier known to have been in the service with the petitioner. His wound notwithstanding, the petitioner says he continued in the service for more than a year after, and was discharged in August, 1795. The evidence is too slight. Wherefore,

*Resolved, That the bill be indefinitely postponed.*