31st Congress, 1st Session. [SENATE.] Rep. Com. No. 186.

IN SENATE OF THE UNITED STATES.

August 22, 1850.
Submitted, and ordered to be printed.

Mr. Phelps made the following

REPORT:

[To accompany bill S. No. 321.]

The Committee on Pensions, to whom was referred the memorial of Robert Armstrong, report:

That the said memorial was first presented to the Senate, and referred to the Committee on Pensions, on the 18th day of December, 1845; that on the 3d of February, 1847, Mr. Crittenden, by unanimous consent, had leave to bring in a bill for the relief of General Robert Armstrong, which bill, on his motion, was referred to a select committee of three, and was reported from said committee without amendment, on the 12th of the same month.

It further appears, from an endorsement on the envelope containing the papers of the memorialist, that the Committee on Pensions, on the 11th of August, 1848, were discharged from the further consideration of the case. The bill reported from the select committee on the 12th of February, 1847, directs the Secretary of War "to place the name of General Robert Armstrong, of Tennessee, on the roll of invalid pensioners, and to pay him a pension at the rate of seventeen dollars a month from the 23d day of January, 1814, during his natural life."

On a careful examination of the proofs filed with the memorial of Robert Armstrong, the committee deem his claim to the bounty of the government to be well established and as highly meritorious; and they cannot account for the delay in extending to him the benefits of existing laws, only by supposing that it may have been occasioned by a disagreement among the members of the Committee on Pensions touching that provision of the bill, above alluded to, which relates to the commencement of the pension.

On the 23d of January, 1814, the memorialist, then a lieutenant, in command of a company of volunteers called the Artillery Guards, and under General Jackson, was severely wounded at the battle of Enotochopee creek, in which battle he and his company behaved in the most brave and gallant manner. General Jackson, in his certificate, written with his own hand, and dated the 16th of May, 1845, says: "I do further certify, that in the battle of the 23d January, 1814, called and known by the name of Enotochopee creek, the shameful flight of my rear guard, producing panic and confusion in my whole army, it was the unflinching bra-

very of Lieutenant Armstrong, acting as captain of the volunteer Artillery Guards, that saved my army from total and shameful defeat, and all my wounded from horrid massacre. This little Spartan band, of about twenty-five in number, met and bravely faced upwards of five hundred of the bravest Creek warriors, checked them in their desperate onset, and at one fire of the savage host I saw seven of this little heroic band fall—among them was Lieutenant Robert Armstrong, severely wounded. He fell by the side of his cannon, exclaiming, 'Some of you, my brave fellows, must perish, but save the cannon!' They did save the cannon, and my whole army from shameful and total defeat, and my brave wounded from barbarous massacre."

From the testimony of the two surgeons, accompanying the memorial, it is shown that Armstrong was wounded by a ball in his left hip, which penetrated deep into the muscles, and lodged near the spine, where it now remains, rendering his degree of disability total.

The committee, in consideration of the gallantry of the memorialist, and the important service rendered by him at the time he received his wound, are unanimous in the opinion that he should be placed on the list of pensioners, at a rate exceeding that usually allowed under the existing general laws, and his pension to commence at the time he completed this proof of his claim to a pension. The committee cannot, in any case, find a sound reason for departing from the principle established by the act of April 10, 1806, and continued by subsequent general acts providing pensions; and, in the case of the memorialist, therefore, they do not deem it expedient to extend his pension back to the period when he was wounded. In conformity with these views, they report a bill for his relief.