

## **Pension Application for Leonard Smith**

S.46640

26<sup>th</sup> Congress 1<sup>st</sup> Session. Rep. No. 135. Ho. Of Reps.

Leonard Smith (To accompany bill H.R. No. 145.)

March 5, 1840.

Mr. Hand from the Committee on Revolutionary Pensions, submitted the following report:

The committee on Revolutionary Pensions, to which was referred the petition of Leonard Smith, of the county of Orange, in the State of New York, for a pension, report:

That this case appears to have been twice reported favorably upon by committees of this House. Your committee, fully concurring in that report, adopt the same, and ask leave to report a bill in conformity thereto.

"It satisfactorily appears to your committee, by the evidence accompanying this petition, that the applicant is about eighty-five years of age; that he engaged in the military service of the country, in the war of the revolution, in the month of September, 1775, and continued to serve therein, with intermissions of short periods only, until the winter of 1780; that he first entered such service in the month aforesaid, as the ensign of a company of militia, raised in the town of Marlborough, in the county of Ulster, in the said State, which was commanded by Captain Silas Purdy, and attached to Colonel Thomas Palmer's regiment; and that he occasionally performed military service, as he was required, in the capacity aforesaid, from the said month of September until the month of February following, when he was detached for regular duty in the erection of fortifications at Fort Montgomery, which he continued to perform until the latter part of the month of May following, when he was discharged from service.

"That in the month of June, 1776, he was commissioned 2d lieutenant of a company commanded by Captain Samuel Clark, which volunteered to serve against the enemy for the period of five months; and that he continued in actual service, as such lieutenant, from the said month of June, until the month of January, 1777, when he was honorably discharged.

"It further appears, to the satisfaction of the committee, that in the month of March, 1777, the applicant was solicited by General George Clinton to raise a company of volunteers, under the assurance that, if he would enlist a certain number of men, and enter the service for three years, he should receive a captain's commission. He did procure a greater number of volunteers, was commissioned as a captain in the month of June in that year, and performed military duty in that capacity, from that time until the winter of the year 1780 when he was honorably discharged.

"There is also evidence that the applicant rendered other valuable military service for short periods during the same war, but the committee have not taken that into their consideration in deciding upon the merits of the application.

"The applicant exhibits his commission as lieutenant, but makes oath that he is unable to produce that of his captaincy, because it was, with the other papers relating to his service, destroyed by the fire which consumed the barracks at West Point, in the year 1782; and as a reason for not furnishing any record evidence of such commission, he was presented a letter from the comptroller of the State of New York, stating that, on examining the minutes of the convention of that State, he does not find any resolution appointing the said Leonard Smith to a captaincy, and suggesting that 'the appointment were probably made by a military committee, and did not appear upon the minutes of the convention.'

"Upon this proof your committee have felt themselves warranted in receiving secondary evidence of the commission and service, which has resulted in the conviction already expressed.

"The petitioner has made his application to the department for a full pension as captain under the law of 1832. It was rejected there, on the ground that it was not sustained by such proof as the established rules and regulations of that department required. The following extract from a letter dated 1<sup>st</sup> December, 1836, addressed by the

Commissioner of Pensions to the honorable John W. Brown, then a member of the House of Representatives, communicating the rejection of this and another claim, will show more particularly the ground upon which such rejection was placed:

“ ` In my previous correspondence with you, to which you are respectfully referred, the difficulties were particularly pointed out as arising more from the rules for an official adjustment of claims under the particular act, than from any doubt as to their general merit; and it was accordingly suggested that these cases constituted a fit subject for the equitable provision of a special law. Nothing has occurred to change that view of these claims, and I beg leave to renew the suggestion. It is certainly very desirable that all claims embraced by the general provisions of an act should be adjusted by the department, instead of referring them back to Congress, and every disposition is felt to dispose of these cases favorably in the department; but I feel persuaded that a review of our correspondence will satisfy you of its impracticability, without abandoning rules of the highest importance in the execution of the act of the 7<sup>th</sup> June, 1832.’

“Your committee, upon full consideration of all the testimony connected with this case, concur in the opinion that it calls for the special interposition of Congress for the relief of the petitioner; and they ask leave to report a bill for that purpose.”

In the Senate of the United States, May 25, 1840. Heirs, Daniel T. Smith and William L. Smith, children of Leonard Smith.

An Act. Granting a pension to the heirs of Leonard Smith.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that the Secretary of War cause to be paid to the heirs of Captain Leonard Smith, late of the County of Orange, in the State of New York the pay allowed to a Lieutenant in the army of the Revolution for six month's service, under the act of congress passed the seventh day of June, eighteen hundred and thirty-two; said pay commencing on the fourth day of March, eighteen hundred and thirty-one, and ending on the death of said Leonard Smith. Approved July 20<sup>th</sup> 1840.

War Department  
Revolutionary Claim

I certify in conformity with the law of the United States of July 20, 1840, Daniel T. Smith and William S. Smith only children and Heirs at Law of Leonard Smith, deceased who was a Lieutenant in the Army of the Revolution, are entitled to receive eighty dollars per annum from the fourth of March 1831, to the twelfth of April 1840, the day of the said Leonard Smith's Death. Given at the War Office of the United States this twenty second day of September one thousand eight hundred and fifty. Secretary of War. Examined and countersigned, Commissioner of Pensions.

State of New York  
Orange County SS.

On the 3d day of September in the year one thousand eight hundred and thirty two personally appeared in open court—before the Judges of the Court of Common Pleas in and for the County aforesaid now sitting at the Academy in the Village of Newburgh it being a Court of Record, General Leonard Smith Resident of the Town of Newburgh and County aforesaid—aged eighty years who being first duly sworn according to law doth on his oath make the following declaration in order to obtain the benefit of the Act of Congress passed June 7<sup>th</sup> 1832.

That he entered the service of the United States under the following named officers and served as herein stated.

In the month of September in the year one thousand seven hundred and seventy five deponent was appointed to the office of Ensign in a company of Militia of the town of Marlborough in the County of Ulster and State of New York aforesaid of which company Silas

Purdy was captain Woolvert Eaker Lieutenant and Zopper Perkins second Lieutenant Thomas Palmer of the Town of Newburgh and County of Orange aforesaid was Colonel of the Regiment to which said company belonged deponent served in the Counties of Orange and Ulster aforesaid as Ensign aforesaid against the disaffected from the month of September in the year one thousand seven hundred and seventy five until the month of February thereafter immediately after the termination of said service deponent went into actual service at Fort Montgomery with said company and was employed in erecting fortifications at that place—until the latter part of the next May Captain Moody of the Continental Company of Artillery was there during all the time deponent remained at said fort. In the latter part of the Month of May in the year one thousand seven hundred and seventy six deponent received an honorable discharge the term of service of said company having expired but said discharge was not in writing it not being the practice at that time to grant discharges to the Militia in writing.

In the month of June one thousand seven hundred and seventy six Deponent received the commission of Lieutenant in Captain Samuel Clark's company of Volunteers said company volunteered to serve five months against the enemy Cornelius Hansbrouck was first Lieutenant and Deponent second Lieutenant. Levi Paulding was Colonel of the Regiment to which said company belonged, Johannis Johnson was Lieutenant Colonel and Samuel Logan Major. Deponent was with said company transported with sloop to Tarry Town in the County of West Chester in the state aforesaid and from thence marched to Kings Bridge, at detachment from each company of Clinton's Brigade to which Paulding's Regiment belonged, was ordered to Long Island & were at the Battle which took place near Brooklyn on the twenty ninth day of August in the year last named. Lieutenant Hausbrouck was detached from our company on the night after the battle immediately after landing at New York said detachment retreated to Kings Bridge where they made a stand until the British had landed on Blackwells' Island when they retreated to White Plains where they remained until after that battle at that battle General McDouglal commanded the American Army that was engaged. General George Clinton, General Washington and General Heath were present after said engagement the company to which deponent belonged was ordered to retreat to Pecks Hill in said County of West Chester and from thence to Nicoll's Point in the Town of New Windsor aforesaid where said company were encamped until the first day of January in the year one thousand seven hundred and seventy seven when said company was honorably discharged having performed their tour of duty. In the month of March one thousand seven Hundred and seventy seven deponent was authorized by General George Clinton to raise a volunteer company for the term of three years, deponent enlisted said company accordingly and received a Captain's Commission in June thereafter Thomas Berkley was appointed Lieutenant of said company and David Mills Ensign on the fifth day of Said month of June Deponent received orders from general George Clinton to guard the Continental Stores at Newburgh ins aid County of Orange with said company Deponent guarded them accordingly until the Winter of the year one thousand seven hundred and eighty and was then honorably discharged—and deponent also saith that his commission as Captain aforesaid with all his other papers and Mathematical Instruments there in his coat pocket were with said coat consumed by fire at the time the barracks at West Point were burnt in the year one thousand seven hundred and eighty two deponent also saith that he has no documentary evidence of his services but what is hereunto annexed and deponent also saith that Allen Leistor Esquire whose affidavid [affidavit] is hereunto annexed served as a Serjeant [Sergeant] and served in the respective companies before named.

And in answer to the questions particularly put to this deponent by said court he also saith that he was born in the Town of Bedford in the County of West Chester aforesaid in the year one thousand seven hundred and fifty two that he has a record of his birth in his family Bible at his place of residence in the Town of Newburgh in the County of orange aforesaid that deponent lived in the town of Marlborough Ulster County aforesaid—when called into service. Deponent has lived since the Revolutionary War in Newburgh and lives

there now. Deponent volunteered and served as above particularly stated. Deponent also saith that during his services at Fort Montgomery in the year one thousand seven hundred and seventy six Captain Moody commanded the Continental Company of Artillery at that place and there was but one Regiment of Militia there and that was the Regiment of Colonel [Farmer? Before mentioned to the best of Deponent's Recollection and belief in the tour on York and Long Islands before mentioned which took place in the year last aforesaid the names of the Regular officers who were with the troops which deponent now recollects were General Washington, General Sullivan, Lord Sterling, General Heath and General George Clinton who commanded the Brigade to which deponent's company belonged and – General McDougal who then commanded the New York Regiment the Regiments on York and Long Islands at that time were the regiments of Colonel Paulding before mentioned the Regiment of Colonel Nicoll's of Orange County, Colonel Swartwout, and Colonel Graham's Regiment of Dutchess County and Colonel Thomas Regiment of west Chester all of the state last aforesaid after our retreat from Long Island as afore said we were joined at Kings Bridge by a regiment of the State of Virginia and another of the State of Pennsylvania and deponent also saith that at the battle of White Plains General George Clinton's Brigade was present, a Regiment of Massachusetts troops and a Regiment of New York troops under the command of General McDougal and deponent also saith that he has before detailed the circumstances of his service in this affidavit according to the best of his recollection and belief and he also saith that he never received any other commissions than those before mentioned his commission of Captain was burnt as aforesaid his commission of Lieutenant is in Deponents possession and his commission of Ensign is lost and further saith that he has no other documentary evidence of his services than what is hereunto annexed, deponent is well acquainted with Isaac Merrit and Allen Leister whose affidavits are hereunto annexed and was acquainted with them before the Revolutionary War, during the Revolutionary War and has been acquainted with them ever since that time.

Deponent hereby relinquishes every claim whatever to a pension except the present—and declares that his name is not on the pension roll of the agency of any state.  
(Signed) Leonard Smith

Sworn to and subscribed the day and year aforesaid before me Asa dunning, Clerk.