

DR. WILLIAM BAKER.

[To accompany bill H. R. No. 13.]

DECEMBER 13, 1835.

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

REPORT:

*The Committee of Claims, to which was referred the petition of Dr. William Baker, report:*

That the petitioner's claim has been before Congress several years, and on the 9th of May, 1834, the then Committee of Claims reported a bill for his relief. This Committee concur in the report then made, and adopt it as a part of their own. A bill is herewith reported.

MAY 9, 1834.

*The Committee of Claims, to which was referred the petition of William Baker, report:*

That the petitioner asks compensation for services rendered wounded British soldiers, left by the enemy at Washington city, in 1814, during three or four days immediately after his retreat, and until they were taken care of by other surgeons employed by the commissary general of prisoners of war. He says he voluntarily rendered those services when there was no officer of Government present to provide for what justice and humanity required, and that Dr. Ewell had placed the sufferers under shelter, and invited him to take the charge of them, and that he did so as to surgical treatment. He asks compensation at the rates of charges fixed by the medical profession in this city, in their private practice, and for each particular operation. The number of wounded is stated at forty-seven; each had a limb set, and each had his wounds dressed twice a day. This would amount to more than one thousand dollars, without any charge for travel and attendance.

Reference being made to Dr. Ewell's account of the capture of Washington, in an appendix to a medical work published by him, the committee looked into that, and find by his account he took charge of these wounded British prisoners, and got the petitioner to help him; and that he complains that General Mason, commissary for prisoners of war, without much regard to his feelings, employed Dr. Worthington to take charge of these wounded prisoners, but that a satisfactory arrangement was made between him and Dr. Worthington, by which he continued his services. The petitioner, in a letter to Matthew St. Clair Clarke, Esq. and filed among the papers, says, that Dr. Worthington offered to retain him also in this service,  
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but that he, having been a surgeon in the United States navy in the war with Tripoli, treated the offer with disdain, as not consistent with his feelings to act subordinate to any man.

The committee inquired at the War Department to ascertain what was the practice of the Government in affording medical services to the enemy when they have fallen into our power, and what the mode of compensation to citizens of the profession who are employed occasionally in the public service. Dr. Lovell's reply to the Secretary of War, dated April 2, 1834, in answer to these inquiries, is received and referred to, and made part of this report.

In further answer to these inquiries, Dr. Lovell states to a member of this committee, in a letter of the 3d of April, 1834, that Dr. Worthington was paid the compensation of a hospital surgeon, equal to \$145 per month, and that Dr. Ewell was paid a compensation of hospital surgeon's mate, equal to \$78 per month.

If the petitioner rendered those services under expectation of pay from the United States, it must have been subject, in amount and mode, to the usages and regulations of the Government, and not at the prices charged in private practice for each operation on each individual. The highest rate of compensation paid for these services, and which Dr. Baker could have expected, was less than five dollars a day, had he continued in the employment a month or longer. The time he was employed did not exceed four days, and he declined further employment because he could not serve in the grade to which he thought himself entitled.

He has rested nearly twenty years before he gave notice to the Government that he expected any compensation for his voluntary services. But he explains this in his letter to Mr. Clarke, before referred to, from an unwillingness to make the claim until his pecuniary circumstances, and the claims of his family, induced him to do it. The committee think the petitioner was entitled to compensation from the Government for the services he rendered to the prisoners of war. Considering the nature of those services, the committee think he should be paid the highest compensation allowed citizens for professional services for short periods less than a month, which, by Dr. Lovell's letter, appears in no case to exceed fifteen dollars per day. He was employed four days. The committee report a bill for his relief for sixty dollars.

WAR DEPARTMENT,  
April 2, 1834.

SIR: In answer to your letter of the 28th ultimo, I have the honor to transmit a report from the Surgeon General, which furnishes all the information in this department which can be useful in the case of William Baker.

The papers are returned.

Very respectfully,

Your most obedient servant,

LEW. CASS.

HON. RUFUS McINTIRE,

Committee of Claims, House of Representatives.

SURGEON GENERAL'S OFFICE,  
*April 2, 1834.*

SIR: On the communication to the department of the 28th ultimo, from the Committee of Claims of the House of Representatives, I have, agreeably to your instructions, to report that, by the usages of war, the British soldiers referred to were entitled to medical attendance from the United States, as appears from the employment of Dr. Worthington by the commissary general of prisoners. On inquiry at the Treasury Department, it appears impracticable to ascertain what was paid to Dr. Ewell, or whether such payment included the services of Dr. Baker, as his assistant. The practice of the Government, so far as I am informed, in paying private physicians for medical and surgical aid in hospitals, or to a body of soldiers, has been to allow either the pay and emoluments of a surgeon or assistant surgeon, as the case may be, or a specific sum per day or per month, and not for specific charges, as in private practice. The highest sum paid in ordinary cases, requiring the exclusive attention of the physician, has been from \$100 to \$150 per month, or from ten to fifteen dollars per day, for a shorter period. The communication and papers accompanying it are herewith returned.

Very respectfully,  
 Your obedient servant,  
 JOS. LOVELL,  
*Surgeon General.*

HON. LEWIS CASS,  
*Secretary of War.*

SURGEON GENERAL'S OFFICE,  
*April 3, 1834.*

SIR: I have this morning found the accounts of Doctors Charles Worthington and James Ewell, for attendance on the British prisoners, in 1814, from which it appears that the former received the pay and emoluments of a hospital surgeon, equal to \$145 per month, and the latter, the pay and emoluments of a hospital surgeon's mate, equal to \$78 per month.

Very respectfully,  
 Your obedient servant,  
 JOS. LOVELL,  
*Surgeon General.*

HON. RUFUS MCINTIRE,  
*House of Representatives, U. S. Washington.*

WASHINGTON, *February 16, 1834.*

DEAR SIR: I herewith send, according to your request, the whole of the account of the "Capture of Washington," published by Doctor Ewell, by way of appendix to his "Medical Companion." You will perceive it is a kind of fireside, garrulous account of that important event. The abstract I made from it was done simply to prove that I *did* set those men's limbs and dress their wounds as stated. It was the *fact* of having done so I was anxious to prove to the committee.

I hope the committee will be pleased to bear in mind, that I first saw those men on the 26th, in the morning, the enemy having decamped on the night of the 25th of August. I never did, myself, see one of the British officers: they had all gone, and these men were left behind.

It is well known that Doctor Ewell, however good a physician, was not at all a surgeon, and he expressed to me the most lively satisfaction at having the surgical part of the treatment confided to me, alleging his want of facility in this branch of the profession. Dr. Ewell's attentions to these men were of a different character. They were *supplies from his table and medicines from his shop*, prompted by that generosity and philanthropy for which he was remarkable. I do not know that he ever received compensation. I most certainly never did. The 26th of August was the first day of my attendance, and the 29th the last. On the 30th a new measure was adopted. Doctor Worthington asked me if I would consent to continue my services; I declined, and withdrew, for this reason, to wit: that, having had the honor to serve in the navy of the United States, in the war with Tripoli, in 1804 and 1805, in my professional capacity, I could not descend to a subordinate employment *under* any man. I, therefore, withdrew. I was not then in the navy, having resigned seven or eight years before. If it be asked why I have not put in my claim sooner, my answer is, that I did not stand in need of it, until now that I am reduced in my fortunes, with a large family of children to maintain, I have felt it incumbent on me to apply to the justice and liberality of my country for services rendered to those prisoners of war.

A gentleman now an officer of the House of Representatives, Mr. Overton Carr, if the committee deem it necessary, would be able to give them, I think, some recollections of those transactions, because I know he was well acquainted at the time with the voluntary assistance I extended to those unfortunate prisoners, and they were afterwards exchanged for American citizens. John S. Skinner I think was the flag officer.

I am, very respectfully,

Your obedient servant,

W. BAKER.

To MATTHEW ST. CLAIR CLARKE, Esq.

Washington.