

IN THE SENATE OF THE UNITED STATES.

JUNE 14, 1888.—Ordered to be printed.

Mr. MANDERSON, from the Committee on Military Affairs, submitted the following

REPORT:

[To accompany bill H. R. 409.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 409) "for the relief of Thomas W. Lord," have duly considered the same, and report it back favorably and recommend its passage.

The rule adopted by your committee in cases of this character has been that the applicant will not be authorized to be retired in rank above that held by him at the time of his resignation or retirement, or have his rank on the retired list raised; from which it would follow that no relief would be granted to Lieutenant Lord.

But for the fact that the circumstances here are exceptional such would be the conclusion of your committee.

Lieutenant Lord was mustered as sergeant in Company K, Seventeenth Maine Infantry Volunteers July, 1862. He served at Fredericksburgh December, 1862; and was promoted to a second lieutenantancy March, 1863; lost his left leg and was severely wounded in his right foot at the battle of Chancellorsville May, 1863, being specially mentioned in general orders for gallantry during that engagement, and subsequently received the brevet of captain for services there. He was discharged September, 1863, on account of his wounds. In December, 1863, was appointed a second lieutenant in the Invalid Corps, serving on the staff of General A. P. Hovey. In 1866 he was appointed a second lieutenant in the Forty-third U. S. Infantry, and acted as adjutant until 1869, when he was assigned to the Twentieth U. S. Infantry. In 1871 he became regimental quartermaster, holding that position nearly twelve years, serving at important posts on the frontier. He was retired August 25, 1887, as a first lieutenant, being then senior in that grade, and but for his being retired at that time, because of a vacancy which would have occurred in the rank of captain six days only thereafter, he would have been retired as captain.

An effort to stay the order for his retirement until August 31 was not successful, because the President had established the precedent that officers who had been recommended for retirement should not be promoted. No notice was taken of the exceptional circumstances surrounding Lieutenant Lord's case, and because of this and some other facts surrounding the same Lieutenant Lord appeals to Congress.

In this connection it is proper to note that Lieutenant Lord was recommended for retirement by a board in 1871, but the order was revoked, to enable him to accept the position of regimental quartermaster. He was thereafter promoted to first lieutenant, and was in active service

fourteen years. These circumstances seem to render this case exceptional in character.

The conclusion reached by your committee is not without precedent to support it—from Naval Affairs. In the Forty-ninth Congress, first session, Lieut. W. P. Randall asked Congress to authorize the President to appoint him a lieutenant-commander on the retired list of the Navy. The board had rejected his application for promotion because of physical disabilities received in service and line of duty; but the relief asked for was granted, and he was retired as a lieutenant-commander. (24 Stat. at Large, p. 14, chap. 27.)

In the Senate Report (S. 367) No. 53 in that case the Committee on Naval Affairs say:

To summarize the case, it appears that Mr. Randall entered the service in July, 1861, as acting master; that he was an officer of conspicuous gallantry and ability, winning promotion from grade to grade until, in March, 1865, he became a lieutenant-commander, with which rank he was honorably discharged from the volunteer service December 19, 1865. Less than a year later he was appointed in the regular Navy, and, beginning again at the foot, had, in 1870, reached the rank of lieutenant. After twelve years' service in that grade, he was ordered before a medical board to be examined for promotion, and was rejected for the reasons stated.

The committee is especially impressed with the fact that the disabilities which prevented his promotion to the rank he now seeks had existed during practically the entire period of his service; that the hernia and deafness were caused by injuries received in the line of duty aboard the *Cumberland*, and that throughout his twenty years of service they had not interfered with the prompt and entirely efficient performance of his whole duty.

Your committee agree, therefore, in the conclusion reached by the House committee on this bill. They say—

Had he been allowed to remain in the service six days more a vacancy would have occurred, and Lord entitled to promotion as captain; but had he remained, under the ruling of the President Mr. Lord would not have been promoted, because of his being recommended for retirement some years ago on account of the loss of his leg in battle.

Now, while your committee agree with the President that officers who, on account of wounds or disabilities incurred in the service, had better be placed upon the retired list, it thinks that where officers have performed gallant and meritorious service, and have been *retained* in active service for over twenty years, and have performed said service efficiently, as several of Lieutenant Lord's superior officers say of him, "with unusual efficiency," they should not be retired *upon the eve* of a merited promotion.

The service of Lieutenant Lord is hereto annexed and made a part of this report.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, January 26, 1888.

Statement of the military service of Thomas W. Lord, of the U. S. Army, compiled from the records of this office:

VOLUNTEER RECORD.

He served as sergeant, Company K, Seventeenth Maine Infantry, from July 21, 1862, to February 23, 1863, when he was mustered in as second lieutenant of his company.

He was wounded in action at Chancellorsville, Va., May 2, 1863, resulting in amputation of his left leg, and was honorably mustered out September 8, 1863.

He received the brevet of captain March 13, 1865, "for gallant and meritorious services in the battle of Chancellorsville, Va."

He was appointed second lieutenant, Veteran Reserve Corps, December 8, 1863; first lieutenant June 5, 1865, and honorably mustered out October 3, 1866.

REGULAR ARMY RECORD.

He was appointed second lieutenant, Forty-third Infantry, July 28, 1866; unassigned April 8, 1869; assigned to Twentieth Infantry July 14, 1869, and promoted first lieutenant October 1, 1871.

He was adjutant, Forty-third Infantry, January 12, 1867, to April 8, 1869, and regimental quartermaster, Twentieth Infantry, October 1, 1871, to June 30, 1883.

He received the brevet of first lieutenant March 2, 1867, "for gallant and meritorious services in the battle of Chancellorsville, Va."

He was on regimental recruiting service November 6, 1866, to January, 1867; with regiment in Michigan to March 22, 1868; on leave to April 12, 1868; with regiment in Michigan to April 12, 1869; awaiting orders to July, 1869; on duty at Yankton Indian Agency, Dak., to June, 1870; with regiment in Dakota to October 4, 1870; before retiring board at Fort Leavenworth, Kans., to November, 1870; with regiment in Dakota to August 29, 1871; on sick leave to (retired by Special Orders No. 351, Adjutant-General's office, September 8, 1871; order retiring him revoked by Special Orders No. 374, Adjutant-General's office, September 23, 1871) October 27, 1871; with regiment in Minnesota to May 16, 1872; on leave to June 7, 1872; with regiment in Minnesota to January 6, 1873; on leave to February 6, 1873; with regiment in Minnesota to June 8, 1874; on detached service at Davenport, Iowa, to July 12, 1874; with regiment in Minnesota to September 4, 1874; on leave to October 14, 1874; with regiment in Minnesota to June 4, 1875; member of board for purchase of horses to July 12, 1875; with regiment in Minnesota to December 3, 1875; on leave to January 6, 1876; with regiment in Minnesota to October 10, 1876; on leave to November 10, 1876; with regiment in Minnesota to December 20, 1877, and in Texas to May 27, 1879; on leave to September 26, 1879; with regiment in Texas to July 17, 1880; on leave to August 25, 1880; with regiment in Texas to August 19, 1881; on sick leave and surgeon's certificate of disability to September 29, 1882; with regiment in Kansas to August 6, 1883, and in the Indian Territory to March 7, 1884; on leave to May 13, 1884; on surgeon's certificate of disability to May 16, 1884; with regiment in the Indian Territory to May 6, 1885; at Fort Assiniboine, Mont., to June 20, 1885; on detached service at Coal Banks, Mont., to August 7, 1885; with company at Fort Assiniboine, Mont., to (being sick in quarters January 31, to February 5, 1886) March 16, 1886; on sick leave to August 25, 1887, upon which date he was retired from active service.

J. C. KELTON,
Acting Adjutant-General.