

AGATHA O'BRIEN.

APRIL 16, 1878.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. GOLDSMITH W. HEWITT, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill H. R. 3166.]

The Committee on Invalid Pensions beg leave to report back House bill No. 3166, to grant a pension to Agatha O'Brien, widow of Brevet Major J. P. J. O'Brien, Fourth Artillery, United States Army, with the recommendation that it do pass.

The widow of the gallant soldier is now, in her old age, in needy circumstances, and we believe it but due to the country that she should receive the government bounty as proposed by this bill. The committee beg leave to append hereto, as part of their report, the military history of Major O'Brien, as compiled by direction of the General of the Army, letters from General Sherman and Major-General H. W. Benham, major-general United States Army, and to make them part of this report.

Your committee do not think they could add anything to the eloquent words of the distinguished comrades of the gallant O'Brien.

WAR DEPARTMENT,
ADJUTANT-GENERAL'S OFFICE,
Washington, January 21, 1878.

Military history of John P. J. O'Brien, of the United States Army, as shown by the files of this office:

Graduated from the United States Military Academy, and appointed second lieutenant Fourth Artillery, July 1, 1836.

First lieutenant Fourth Artillery, July 7, 1838.

Captain and assistant quartermaster, January 18, 1847.

Captain Fourth Artillery, May 16, 1849.

Brevetted major February 23, 1847, for gallant and meritorious conduct in the battle of Buena Vista, Mexico.

Service.—On graduating, leave to September 30, 1836; with regiment in the field, Alabama, Georgia, and Florida, in the Florida war (engaged against the Seminole Indians in the battle of Wahoo Swamp, November 21, 1836, and in the combat of Locha Hatchie, January 24, 1838), to May, 1838; *en route* to the Cherokee Nation, escorting Indians, to August, 1838; at Fort Columbus, New York Harbor, to October, 1838; in the field, Florida, to April, 1839; at Fort Columbus, New York Harbor, to June, 1839; at Camp Washington, near Trenton, N. J., to September, 1839; at Dearbornville, Mich., to December, 1839; on leave of absence to May, 1840; with regiment at Detroit, Mich., to September, 1841; at Buffalo, N. Y., to June, 1842; at Fort Columbus, New York Harbor, to July, 1842; at Fort Monroe, Va., to August, 1843; on leave of absence to December, 1843; with regiment at Fort Monroe, Va., to October, 1844; at Carlisle Barracks, Pa., to June, 1846; in the field, Texas, and in the war with Mexico (engaged in the battle of Buena Vista, February 22 and 23, 1847, where he was wounded), to March 12, 1847; on quartermaster's duty in General Taylor's army in Mexico to September, 1847; at Camargo, Mexico, to July, 1848; at Saint Augustine, Fla., to September, 1848; at East Pascagoula, Miss., to December, 1848; at Lavaca, Tex., in 1849.

Died at Indianola, Tex., March 31, 1850, of cholera, aged 32 years.

HEADQUARTERS ARMY OF THE UNITED STATES,
Washington, D. C., January 24, 1878.

DEAR SIR: I know you will pardon my seeming delay in answering your letter of January 18, when you know the time has been utilized in preparing the inclosed paper, "Military history of Brevet Major J. P. J. O'Brien, Fourth Artillery," which will, I think, materially assist you in your laudable purpose of securing a pension to the widow of O'Brien. Personally I know little of O'Brien, but indirectly, from mutual acquaintances, much. He was familiarly known as Paddy O'Brien, being full of intelligence, wit, and a courage which made him universally beloved. I heard General Bragg say that O'Brien at Buena Vista did more to secure a victory to our arms than he (Bragg) himself. O'Brien was lieutenant to Captain Washington, whose battery held the gorge of Buenaventura. In the progress of the battle one section of two guns under Lieutenant O'Brien was detached to the mouth of a lateral ravine, up which Santa Anna made his last final "charge." O'Brien stood by his guns, firing incessantly till they were literally overrun, losing the guns, and saving only a few of his men. But the noise of those guns and the delay caused by them gave General Taylor the time necessary to collect at the head or debouch of the ravine the force, including Bragg's battery, which stopped that column and turned it back, which was the end of the battle of Buena Vista. I was not there, but I have the above from eye-witnesses, and I believe all the facts are of record in a trial demanded by O'Brien of a court of inquiry into the cause of the loss of those "two guns." Had this occurred in France, O'Brien would have been honored and rewarded in life; but he was not. In the ordinary routine of military service he was afterward killed by the great enemy of man, cholera, at his post of duty. His widow is the widow of the nation, and no generous man who knows the facts will hesitate to provide for her in her old age that maintenance which is a fair inference of a contract to provide for the widow and orphan made so in the service of the government. I have indorsed her petition, and beg you to advocate and plead for it in the great council of our nation.

Truly, &c.,

W. T. SHERMAN, *General.*

HON. H. A. HERBERT,

*Representative Second Congressional District Alabama,
Washington, D. C.*

NEW YORK CITY, February 23, 1878.

DEAR SIR: I notice in the Army and Navy Journal of *this day's date*—just 31 years after the struggles of the noble O'Brien upon the field of Buena Vista—an effort on your part for the aid and relief of the wants of the widow of that hero, sustained, as it appears, by a letter so characteristic of the warm heart of our honored Army chief; and, though an entire stranger to you, sir, I have felt that I, too, might add my testimony acceptably, as one knowing O'Brien perhaps even better than our General did. For though *they* did not "wear the grey" together, I was a cadet with each of them; and I was present on the days of Buena Vista, and *knew* the facts of which General Sherman writes you. And, though never thrown by service into terms of intimacy with O'Brien, I so often met him as to know his worth, as one of the finest intellects, as one of the bravest and most judicious soldiers, and of the purest and most noble and delicate personal character that ever honored our Army. But he has lived and died almost unknown to the country from the ever-retiring modesty of his true worth and pride of character.

That his intellect was of a high order, and not left to rust in garrison idleness, is shown by his treatise published on court-martials or military law, a standard work. And that he was the hero that I name him, and has merited the report given in the court of inquiry, which all his friends then urged him to ask for, as a guard against possible future slanders for the loss of his guns—a report that expressed the belief that his holding them till the last moment *had thereby saved us from great disaster*—you, sir, can well judge, from the very brief statement of the facts that I can give you as coming partly under my own eye even.

In the morning of the main battle of Buena Vista, February 23, 1847, O'Brien, with his *half-battery, 3 guns*, held the most advanced position on the right front of our main battle-field, where, with the Second Indiana Regiment as a guard, he enfiladed the most advanced hill-spur and the best means of approach of the Mexicans; and, having cleared that long spur hill and kept them at bay for a half hour or more, he ordered his guns to "limber up," *to advance*, with the object of clearing this spur more effectually, *as he told me himself*. But the fatal mistake of the colonel of this supporting regiment, who, as the horses of the battery necessarily faced to the rear to limber up even for advancing, in the belief he had that O'Brien wished to retire, at once gave the

order for the retreat of his men, which forced the withdrawal of the guns instead of their being advanced, as O'Brien intended, and the Mexican infantry and cavalry immediately swarmed over the front of the plains to the main battle.

And later in the day, when the gallant Hardin led a charge of some 1,200 men or his own Illinois and McKee's Kentucky regiments into a virtual ambush of some 7,000 Mexicans, by which those regiments were for the time all but annihilated, it was O'Brien's guns *alone* that staid the surging tide over the field until the five guns of Thomas W. Sherman and of Bragg came up to cross their fire in his rear, and the brave O'Brien limped away *with one wounded man only*, as he told me—all that was left with him of his section-men; and as Lieutenant (now Major-General) Franklin, of Hartford, Conn., saw it, a single Mexican officer went to the lead horses of one of the guns, and by the bridle led off that gun, *captured* it, while we had not a single bayonet near to protect it. Well might the court of inquiry say, as they did, that this resistance to the very last moment, though at the sacrifice of these guns, against the overwhelming force, as men stated to me, "*of 20 deep*," gave time for the arrival of Sherman and Bragg before the Mexicans could sweep over the whole plain, and "thereby saved the day," in the words of General Taylor's report. I cannot add more to this statement, unless to say that the widow of this gallant hero will have less than justice with less than the usual pension of a general's widow from a Congress representing *both* the North and South of this country, as did that, our *then* most bloody field—where I grasped in condolence the hand of the wounded colonel of the First Mississippi Regiment, who had 100 of his men put *hors de combat* out of the 300 he led into battle, as this colonel, since so conspicuously known, lay in the same tent side by side with the dead Hardin, just recovered from the slaughter of nearly 200 men of those *he* had led in that fatal assault—whose rebound, but for O'Brien's guns, might have cost us all our lives by the 4,000 ranchero-murderers in our rear, who would have followed the example of Santa Anna's troops, *if not his orders even*, upon the field of Buena Vista, who slaughtered every American who fell into their power, *with one exception only*.

Very respectfully, sir, your most obedient,

H. W. BENHAM,

Brevet Major-General, United States Army.

Hon. H. A. HERBERT,

United States House of Representatives, Washington, D. C.

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