

MEXICAN AND OTHER WAR PENSIONS.

JANUARY 24, 1884.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

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

REPORT:

[To accompany bill H. R. 3962.]

The Committee on Pensions, to whom was referred the bill (H. R. 26) granting pensions to certain soldiers and sailors of the Mexican and other wars therein named, have had the same under consideration, and report a substitute therefor and recommend its passage.

The substitute amends the first section of the said bill by striking out "and," where it occurs in the eighth line of said section, and inserting next after "forty-seven," where it occurs in said line of said section, the following words, to wit: "And forty-eight with Mexico, or who, being enlisted as aforesaid, actually served with the Army or Navy of the United States in Mexico in said war."

This amendment was adopted, because the committee were of the opinion that soldiers who actually did service in Mexico should have a pension. Possibly a few who served in Mexico in the Federal Army may not, from wounds or sickness, have served sixty days.

There were several thousand soldiers enlisted in the Army of the United States for the Mexican war who never went to the seat of war, and performed no service whatever, and who were mustered out of the service under sixty days from their enlistment. The committee did not believe that such soldiers should have a pension. The bill, it will be seen, grants a pension to the soldiers serving thirty days in the Indian wars named in the bill, thus making a distinction in favor of those of the Indian wars as against those of the Mexican war. This was done in order that every soldier performing actual service in said wars might receive a pension. It was believed by the committee that sixty days would cover all the soldiers who performed actual service in the Mexican war; but that, if sixty days' service were required of the soldiers of said Indian wars, such a provision would exclude from the benefits of the bill many who performed arduous service for the country in said Indian wars.

The bill excludes all widows who were married after the termination of the war. This was done in conformity with the first act pensioning the soldiers of the war of 1812. The widow who had married a soldier after his discharge from the Army has no claim upon the Government on account of the service of her husband prior to her marriage. The widow who was married to the soldier prior to or while in the military service has claims far superior to the other. She lost not only the so-

ciety of her husband, but the care and support of herself and children were thrown upon her in his absence in the service of his country.

The bill as originally drawn, in the second section, excluded from its provisions any one who was already drawing a pension at the rate of \$8 a month or more. This section was copied from the act of 1871, pensioning the soldiers of the war of 1812. The committee, after a careful consideration of this section and its effect upon those soldiers of the Mexican war who so gallantly fought in the late war for the preservation of the Federal Union, and who may have been wounded or disabled by disease while in the service, and for which they may be now drawing a pension, and after carefully considering the difference between an invalid pension and the pension proposed by this bill, unanimously agreed to strike out of this section that clause which would have excluded from the benefits of the bill soldiers of the Mexican war now drawing a pension for disabilities incurred in the late war. The pension which such soldier may now be drawing is that which the Government owes him under the contract made with him when he was enlisted; that is, if he should be disabled in the service in the line of duty he should have a pension, and the soldier thus disabled is as much entitled to a pension under the law as he was to his monthly pay. The consideration of the contract is the service and blood of the soldier. There is no power in Congress or in any other department of the Government to take such a pension from such a soldier. He holds it by as firm and strong a title as he holds any other property. The pension proposed by this bill is a voluntary offering of a grateful country to its old defenders as recognition of their heroic and gallant services, and surely the country ought not to withhold this recognition from the old soldier who upheld the stars and stripes in the late cruel conflict, who were disabled, and draw a pension for such disability.

The third section of the substitute is the same as the third section of the original bill. This section prescribes the proceedings by which pensions are to be placed on the pension-roll. It gives the Secretary of the Interior power to make all necessary rules and regulations for the efficient administration of the act, and authorizes him to strike from the roll the name of any one whenever it is made to appear that such person has been placed upon the roll through false and fraudulent representations. It also enacts that any one who falsely and corruptly takes any oath authorized by this act shall be deemed guilty of perjury, and liable to be punished therefor as in other cases of perjury.

The substitute strikes out all of the fourth section of the bill and inserts the following in lieu thereof, to wit: "That the provisions of the pension laws now in force which are not inconsistent or in conflict with this act, so far as applicable thereto, shall apply to this act." The committee do not believe it necessary at all to insert this section, for they believe such would be the law any way. The section is inserted through an abundance of caution. It can do no harm, and if such would not be the law without it the bill would be imperfect.

The substitute forbids the payment of any fees to attorneys, claim-agents, or any other person for filing, attending to, or prosecuting an application for a pension under this act. The pension given by the bill is small. There will be but little trouble for a soldier under this bill to prosecute his claim for a pension. In most of the cases the records in the War Department will prove the service, and the soldier will only have to prove his identity. The law requires the Commissioner of Pensions, upon application therefor, to furnish suitable blanks for applications for pensions. The local attorneys, it is believed, will assist these

old soldiers with their claims without any charge therefor. The committee propose, as far as possible, to protect these soldiers from attorneys and pension agents in Washington City and elsewhere.

The substitute amends the fifth section of said bill by adding thereto the following, viz: So far as the name relates or applies to this act and as to such officers, soldiers, and sailors who may have enlisted in the Army or Navy of the United States since the close of the late war, or who may hereafter so enlist.

The committee were not willing to repeal section 4716 of the Revised Statutes, because it was believed that its repeal would restore to the pension roll invalid pensioners who had been dropped on account of their participation in the late rebellion, and would enable them to draw their pensions from the time they were dropped. A minority of your committee were in favor of repealing said section, for reasons which the writer of this report gave in submitting a report on a similar bill to the Forty-fifth Congress. The committee, however, were in favor of repealing said section so far as it relates to the bill under consideration, and to soldiers and sailors who have served in the Federal Army or Navy since the late war, or who may hereafter enlist in the Army or Navy. The last section of the substitute is the same as the original bill. It excludes from the benefits of this act persons while under political disabilities imposed by the fourteenth amendment of the Constitution.

Such are the provisions of the bill. It has been carefully drawn, and its provisions are plain, simple, and clear of all ambiguity. There will be no intricate questions arising in its construction; in fact, the objects of the bill are so clearly expressed that nothing is left for construction. If this House is ready and willing to grant a pension at the rate of eight dollars per month to the surviving soldiers of the wars mentioned in the bill, then it should support this measure. The question arises, why the bill should be passed. What claims have those old soldiers upon the bounty and gratitude of their country? These questions the committee propose to briefly answer. To an intelligent understanding of the questions a knowledge of the legislation of our country upon pensions is essential.

The history of our pension system shows that our Government, from its inception to the present day, recognizes two forms of pensions—invalid and gratuitous. Invalid pensions are such as have been and are granted to soldiers who were disabled or contracted disease in the line of duty while in the military service of the country. These pensions assume the form of a contract whereby the Government agrees with the soldier at the date of his enlistment, in consideration of his enlistment and service, to pay him a pension upon the condition of his being disabled in the line of duty. The other form, gratuitous pensions, are defined to be a reward for military services rendered, and is an evidence of a nation's gratitude to its defenders. There is no policy more firmly rooted in the minds and hearts of the American people than that of granting pensions to the brave citizen soldiery, who in the hour of their country's peril gave up their peaceful avocations, tore themselves from home, wife, and children, with all their charms and endearments, and endured without a murmur or complaint the trials of the march, the privations of the camp, the horrors of the hospital, and bravely bore themselves amid the dangers of the battle-field, not for money, but for the love they bore their country and their country's flag.

This policy dates back to May, 1778, only two years after the Declaration of Independence, and while the Revolutionary war was still in progress. This act promised to all the military officers commissioned by

Congress who were or thereafter might be in the service of the United States and continue therein during the war, after the conclusion of the war, annually for seven years one-half pay. Two years after this act was passed another was enacted promising half-pay for life to such officers as remained in the Army during the war. These acts confined the bounty of the Government to the officers, to the exclusion of the private soldiers. But in 1818 Congress enacted a measure which wiped out this unwarrantable distinction which had been made up to this time in the bestowal of a national bounty. This act granted a pension for life to the officers and enlisted men alike who served in the war of the Revolution to the close thereof, or for a term of nine months or longer at any time during said war, and who were citizens of the United States, and who were then or might thereafter by reason of reduced circumstances in life be in need of assistance from their country for support. This last act was passed thirty-five years after the close of the Revolutionary war. There has been much said in the debates in Congress heretofore when this bill has been up for discussion about confining its benefits to those in indigent circumstances, and this pension act of 1818 has been frequently referred to in support of the pauper-soldier pension-roll. The pauper clause of the act of 1818 created great dissatisfaction among the soldiers and their friends, and public opinion became so strong against it that a reluctant Congress was forced to repeal it in 1832. The committee call attention to the eloquent remarks of Mr. Frelinghuysen, a Senator from New Jersey, delivered in the United States Senate in 1832, in advocacy of the repeal of this odious pauper clause in the pension act of 1818. Said he:

But there were two defects in the system even as thus liberalized. In the first place, it enacted the humiliating confession of absolute poverty; it required of the aged veteran that he should publicly, in the presence of the sons by the side of whose fathers he had fought and suffered, expose the wretchedness of his condition; that he should produce the proof of his pauperism and swear to it himself. I have seen these worthies in our public courts of justice exhibit an inventory of their poverty down to the items of cups and saucers. I have felt humbled for my country. Sir, a noble spirit would sometimes exclaim, "I would die in want first. If my country exacts such ignoble conditions let her withhold the miserable pittance." And who, sir, of this Senate does not honor this sentiment? It has been honored and vindicated by the manly feelings of this great community. Public opinion would no longer brook such terms of national honor and gratitude, and by the concurring indications of legislatures and people we are invoked to release these hard conditions; and should a few partake of a favor that do not need it, better so than even one deserving relic of times so dearly cherished should go down to the dust neglected and forgotten.

Such were the sentiments of New Jersey in that day, and such are the sentiments of the American people of to-day. The committee do not propose a pauper pension-roll. They do not propose to require the old soldiers who so gallantly stood by the country's flag in Mexico to produce the evidence of their poverty in order to receive that which is adjudged to be due them for their patriotic services. Such a provision would be a stigma and a foul blot upon our beneficent pension system.

It has been asserted in the House by those who oppose the policy of pensioning the soldiers mentioned in the bill under consideration that it was fifty years after the Revolutionary war closed before any gratuitous pension was given the soldiers of that war. The record proves beyond all question that it was only thirty-five years. But it is said that the soldiers of the war of 1812 were not pensioned until 1871, fifty-six years after peace had been declared. That is true; but why was the pension so long delayed? The House of Representatives passed a bill pensioning the soldiers of the war of 1812 in 1858, but it was defeated in the Senate.

When said bill reached the Senate its enemies called to their aid Mr. George C. Whiting, then Commissioner of Pensions, who most effectually killed it by a most extravagant estimate as to the amount of money it would require to meet the demands of the bill if it should become a law. The bill was reported back to the Senate with an adverse report. When Mr. C. C. Clay, of Alabama, arose to make the report he said: "I have been endeavoring for ten days past to find the Senate full, in order to make a report on a bill which if passed will require an appropriation of thirty millions of dollars." This announcement was sufficient to defeat the bill in the then state of the finances of the country. The revenues were then not sufficient to meet the ordinary expenditures, and there was no reasonable hope under the tariff then in force of any improvement of the financial condition of the Treasury. "The means to discharge the obligations assumed by this bill," said Mr. Clay, "if it become a law, must be derived from increased taxation or from loans obtained on the credit of the Government."

This argument will not apply at the present time to the bill under consideration. Then the Treasury was empty and the revenues not sufficient to meet the ordinary expenditures. Now the Treasury is full and overflowing, and revenues so great as to produce a large surplus. Then, with revenues not sufficient for the ordinary expenditures, \$30,000,000 would have bankrupted the Government. But now, with a surplus of \$100,000,000 in the Treasury, \$2,000,000 would not be felt by the people, and would hardly be missed in the Treasury. If the revenues and the Treasury in 1858 had been as now, the soldiers of the war of 1812 would have then been pensioned. They would have received this pension forty-three years after the close of the war instead of fifty-six years.

The Black Hawk war was in 1832, fifty-two years ago; the Creek war in 1835, forty-nine years ago; the Florida war in 1836, forty-eight years ago; the war with Mexico in 1846-'47, thirty-seven years ago. The soldiers of the Revolutionary war were pensioned thirty-five years after its close. They averaged about sixty years of age; the soldiers of the Black Hawk war average eighty-two, those of the Creek war seventy-nine; those of the Florida war seventy-eight, and those of the war with Mexico sixty-two. The soldiers covered by this bill would now average about seventy years of age. Thus it will be seen that this bill is not a departure from the precedents which have been made by Congress in the past. The act of 1818 was a gratuitous pension act as much as this bill would be if it should become a law. This bill embraces no new principle; it seeks to establish no new precedent; it would open no new door. The principle was established in 1818, extended in 1832, confirmed in 1871, and reaffirmed by the Forty-fifth Congress. The committee repeat that there is no policy more firmly established by Congress than that of extending the nation's gratitude and bounty by way of pensions to its old defenders, and that policy is too firmly rooted in the hearts of the American people ever to be eradicated by the opposition of the metropolitan press.

It has been said that the act of 1818 was enacted to pay a debt which the Government owed the old soldiers for service which they had rendered. Why, then, was it called a pension act? The celebrated Mr. Choate, speaking of the pensions under the act of 1818, said:

They are nothing less than the long-deferred and inadequate wages of such services as no money could have compensated.

This is the true basis upon which our pension system rests; that is, that the service of the soldier is such that no money could ever compen-

sate, and as his service was of such great value it is the imperative duty of the Government to take care of him in his old age. The old soldier in a high and refined equity is the creditor of the country. But that the act of 1818 was in any legal sense an appropriation of money to meet a claim which the old soldiers of the Revolutionary war had against the Government for the depreciated currency in which they had been paid the committee deny. All claims for wages had been paid. They had no legal demand against the Government, except such as the soldiers covered by this bill have, on account of the nature of the services which they had rendered, and which no money could have compensated. In 1859, in a pension claim arising under the act of 1818, Judge Loring, in the circuit court of claims, said :

The act of 1818 was not a contract. * * * The pension it granted rested on no legal obligation and was in the fulfillment of none. It was a voluntary offering of a grateful country.

This case decides that the act of 1818 rested on no legal obligation. If the Government was owing these soldiers wages for services in the war of the Revolution, and this act was passed to pay for those services, then the act did rest upon a legal as well as a moral obligation. But it was, like the act of 1871, a voluntary offering of a grateful country to the men who had periled their lives in its defense. There cannot be any distinction between the act of 1818 and the proposed act under consideration. That was a gratuitous pension act, passed thirty-five years after the close of the Revolutionary war, and gave pensions to soldiers averaging but sixty years of age. It established the principle upon which this bill is predicated; that is, after the expiration of thirty-five years from the close of a war in which the United States is engaged the soldiers of such a war are entitled to a pension, which principle and policy have been affirmed by Madison, Monroe, John Quincy Adams, Jackson, and Grant. This beneficent pension system is a part of the general military policy of our Government. To pay our soldiers for having fought after they become old and feeble, rather than they should fight for pay, seems to have been the policy of the Government from 1818 until the present time, and that policy has met the approval of our wisest and greatest statesmen as well as that of the people in general.

When the soldiers of the Black Hawk, Creek, and Florida wars volunteered to defend our citizens against the depredations and massacres of the barbarous Indians, and when the gallant men who at their country's call marched to Mexico to sustain the honor and glory of their country in that far-off land, they had a right to expect that, as the soldiers of the Revolutionary war were pensioned thirty-five years after the close of the war, and when they were but sixty years of age, that the Government would likewise give them a pension when they too were old and in need of assistance. They have come to the representatives of the American people, and request that the same aid which has been given to the soldiers of other wars be extended to them. This bill ought to pass, as a recognition by the Government of its obligation to these old soldiers for the incalculable material benefits secured to it by their valor and suffering. They secured California, Nevada, Utah, New Mexico, and Colorado, and established and settled the boundary of the great State of Texas. The value of this territory to this Government cannot be estimated in dollars and cents. The immense amount of gold and silver produced from this territory acquired by the war with Mexico has diversified the industries of the whole country, and given an impetus to the commerce of the world. Its acquisition ex-

lended our country from ocean to ocean and opened up a great overland route to the Pacific. Said the late General A. S. Williams, addressing the Michigan Association of Veterans, in June, 1878 :

Who can estimate with accuracy the accelerated growth and increased riches and resources of our country that your patriotic valor and your privations and sufferings, comrades, helped to create! Surely we have a right to ask, in the language of this toast, may their services ever be held in memory by the people of the United States.

There are other reasons why this bill should pass. The monarchical Governments of Europe are compelled, at immense cost to their subjects, to support and maintain large and imposing standing armies for the protection of the "divine right of kings."

The Emperor of Germany was reported as having said, in 1878, upon the presentation of the congratulations of the German army by the Crown Prince, that "the army was the base of the German Empire"; and he might very truly have added, "and of all monarchical Governments." But our Republic is based upon the consent and will of the people, who are the sovereigns, and this is a fundamental principle of our Government. A large standing army was considered by Jefferson, and all our earlier statesmen, as being inimical to a republican form of government. Such an army would be a constant menace to the liberties of the people, and could not be tolerated by a free people. This Government has heretofore, in all its wars, relied almost exclusively upon volunteers. The Revolutionary war, the war of 1812, the Florida war, the Mexican war, and the late civil war for the preservation of the Federal Union, were all fought and won by gallant citizen soldiery. As the Government relies almost wholly upon a volunteer army for its defense against a foreign as well as a domestic foe, it is the part of wisdom as well as statesmanship to so legislate as to encourage the citizen to be ever ready to defend its flag, to uphold its honor, and to sustain its glory whenever and wherever they may be assailed. The Government should not only take care of the wounded and disabled in the service, but it should liberally aid and help the veteran as he advances down the declivity of life. Let it be known as an established fact that this Government will take care of its defenders when old, and when it shall be involved in war, at home or abroad, volunteers will rush to its standard, ready to face death in its defense. Pass this bill, pensioning alike the brave men of the North and of the South who fought shoulder to shoulder and hand in hand under Taylor and Scott, and you will have done more to prepare for war in time of peace than by the appropriation of millions for fortifications, for grand and magnificent navies, and for large and imposing armies.

But it is said that it has not been the policy of the Government to pension soldiers of Indian wars. Were not the soldiers who, under Jackson, fought the Indians at Talladega Springs and the Horseshoe, in Alabama, as much entitled to a pension as those who fought the British either at New Orleans or Plattsburg? There was fought neither on the Gulf nor upon the Lakes any battle during the war of 1812 which was more hotly contested or in which our troops displayed greater prowess than at the Horseshoe, on the Tallapoosa, in Alabama. There is no just man who would not say that these brave soldiers were as much entitled to a pension as any others not wounded or disabled. The war against the Indians fought by General Wayne was a few years after the Revolutionary war, and the soldiers under Wayne had fought in the Revolutionary war and have been pensioned for that service. The Seminole war of 1817 was fought two years after the close of the war of 1812, and our Army was composed mostly of soldiers who had

been in the war of 1812, and who have been pensioned for that service. There has been no other Indian war between 1817 and 1832.

While it may be true that the Government has not granted heretofore pensions to soldiers of Indian wars, the committee cannot see any good reason why it should not have done so. The committee do not propose to pension the hardy pioneer who may have pushed his way into the Indian country and there provoked hostilities in his own wrong, in which a few settlers may have engaged without the consent or approval of the Government, nor do they propose to pension the militia called out by the governors of States or Territories to fight Indians who were never mustered into the service of the United States. But when the country has been involved in a regular war with the Indians, and has called the citizens from their peaceful avocations to volunteer in its service, and they have gone out and fought the Indians, the committee cannot see any sound reason why any distinction should be made in the bestowal of the nation's bounty between them and other soldiers. The Florida war was one of flagrant and cruel aggression on the part of the Seminoles under the leadership of Osceola, one of the bravest and most cruel of Indian chiefs. There never was a more treacherous, ferocious, and cold-blooded origin to any war in the annals of the world. "There never was a war," said Benton, "which required an exhibition of all the soldierly requirements to a greater extent. Their courage and discipline were exhibited against perils and toils which subjected courage and discipline to the severest test."

While this war was in progress, Mr. Benton, in the Senate of the United States, further said :

And has there been any failure of patience, fortitude, courage, discipline, and subordination in all this war? Where is the instance of an order disobeyed, ranks broken, or confusion of corps? On the contrary, we have constantly seen the steadiness and the discipline of the parade maintained under every danger and in the presence of massacre itself. Officers and men have fought it out where they were told to fight. They have been killed in their tracks where they were told to stand. None of those pitiable scenes of which all our Indian wars have shown some—those harrowing scenes in which the helpless prisoner or the helpless fugitive is massacred without pity and without resistance—none of these have been seen. Many have perished, but it was the death of the combatant in arms, and not of the captive or the fugitive. In no one of our savage wars have our troops so stood together, and conquered together, and died together, as they have done in this one; and in this standing together is the soldier's character. Steadiness, subordination, courage, discipline—these are the test of a soldier; and in no instance have our troops or any troops ever evinced the possession of these qualities in a higher degree than during the campaign in Florida. * * * * * Courage and discipline have shown themselves throughout all its stages in their noblest forms. * * * * * The theater of war is of great extent, stretching over six parallels of latitude, all of it in the sultry regions below 31° of north latitude. The extremity of this peninsula approaches the tropic of Capricorn, and at this moment while we speak here the soldier under arms at midday there will cast no shadow; a vertical sun darts its fiery rays upon the crown of his head; suffocating heat oppresses the frame; annoying insects sting the body; burning sands, a spongy morass, and sharp-cutting saw-grass receive their feet and legs; disease follows the summer's exertions, and a dense foliage covers the foe.

The Secretary of War said :

Several instances have occurred during the war with the Seminoles, in which our troops have nobly sustained the honor of the American name, and those who would dispassionately consider the events of the past year will find in the services of the Army many strong claims on the confidence and gratitude of the nation. * * * * * When it is considered that these difficulties had to be encountered and surmounted by raw, undisciplined troops in the face of an active enemy that destroys unseen, delivering a deadly fire at an unexpected moment, and disappearing in the morasses impenetrable to the eye of the white man, the zeal and persevering courage of our officers and men are worthy of all praise.

Such is the testimony given by Thomas H. Benton and the then Secretary of War to the suffering endured and to the courage and valor

displayed by our soldiers in the Florida war. The official reports are full of the highest commendation of our officers and soldiers for their gallantry and endurance in that war. The service in which these soldiers were engaged was as dangerous and as arduous as that of any other war. The sufferings and privations were as great as any that our soldiers have ever endured in any war. The country has received from their services value far in excess of any compensation proposed to be given them by this bill. They fought and conquered the Creeks and Seminoles, and removed them west of the Mississippi River, where they have since been at peace with us. Their services secured to us Alabama and Florida. If it be right and expedient to give pensions to soldiers who have encountered civilized men in war, it is certainly equally right and expedient to give them to soldiers who have met the savage in war.

How many of the soldiers and widows who are included in this bill are now living, and what amount of money will it take to meet the demands of the bill should it become a law? We have been told in the House and by the press that the bill will take from \$10,000,000 to \$100,000,000 annually to meet its demands. The great dailies as well as some members of Congress have displayed much ignorance in their discussion of the probable cost of this measure. They do not seem to understand the provisions of the bill at all. The Chicago Tribune a few days since denounced the measure and asserted that the bill proposed to give all the surviving soldiers of the wars named in the bill, and the widows of deceased soldiers, a pension of \$8 a month, to commence from the discharge of the soldiers, which that journal said would require \$100,000,000 the first year. This editorial will be extensively copied all over the country by the enemies of the bill. The wild and reckless assertions of members of Congress and the daily press have done much to create in the minds of the uninformed a prejudice against the bill. The enemies of the bill have also called to their aid an estimate made by the Hon. W. W. Dudley, Commissioner of Pensions, in response to a resolution introduced in the House during the last Congress by Mr. Stone, calling on him for an estimate of the probable number of soldiers now surviving, and widows of deceased soldiers, of a number of Indian wars and the Mexican war, together with the probable cost of pensioning them all. The estimate was made by Mr. Dudley in response to the resolution. His estimate cannot apply to this bill, because it was not based upon its provisions. The committee have not seen fit to call on Mr. Dudley for an estimate of the cost of this bill if it should become a law, because of the data, and all the official records of these wars are accessible to the committee, and the committee were of the opinion that they were as competent to investigate the matter as a clerk in the Pension Office.

The committee propose to prove that it will not require exceeding \$2,000,000 annually to meet the demands of the bill if it should become a law. The bill does not propose to pay pensions from the discharge of the soldiers, but from the passage of the act; it does not pension all surviving widows, but only those who married soldiers prior to their discharge; it does not pension all surviving soldiers, but only those who served sixty days in the Mexican war, or who actually performed service with the army in Mexico, or who served thirty days in the Indian wars, and were honorably discharged.

The report of Mr. Dudley, heretofore alluded to, as to the number of survivors who would be entitled to a pension under this bill, cannot be relied on, because he has mistaken the number of soldiers who were en-

listed in the wars named in the bill, and includes in his estimate soldiers of wars not covered by the bill and widows excluded from its provisions. Mr. Dudley in said report assumes that 76,000 of the soldiers of the war with Mexico survived at its expiration. He assumes that 90 per cent. of those who survived the war and afterwards deceased were married.

Let us examine these assumptions. How many soldiers of the Mexican war survived the war who were honorably discharged and who would be entitled to a pension under this bill if now living? There were enlisted as volunteers in this war, as shown by the official report of the Adjutant-General of the Army, 73,260 men (see Ex. Doc. No. 24, first session Thirty-first Congress). The number enlisted as regulars in the old and new establishments was 26,922 (see same report). The volunteers and regulars numbered 100,182. This was the number of enlistments, not the number of persons who were actually in the service.

There is no means of ascertaining the exact number of men whose names were duplicated in the above, and who would only be entitled to one pension under the bill. Yet the official reports show that there were 1,399 three-months men, 11,211 six-months men (held for three), and 27,063 twelve-months men. It is a well-known fact that large numbers of three-months and twelve-months men, soon after their regiments disbanded, re-enlisted—in some instances by whole companies. Notably was this the case in Texas and Louisiana with the three-months men, and in Tennessee, Kentucky, Missouri, Illinois, Indiana, and Ohio among the latter. It would not be unreasonable to assume that one-third of these disbanded volunteers re-enlisted, viz, 13,231, whose names will be found duplicated on the roll, and who of course can only draw one pension.

This quotation is made from Kenedy's report to the fourth annual reunion of the National Association of Mexican Veterans.

Mr. Dudley, in his said report, admits that it is reasonable to suppose that at least one third of those who served for twelve months and less re-enlisted, and consequently are duplicated on the rolls; but he states that there were only 29,098 volunteers of this class. And he therefore estimates but 9,697 re-enlistments. Here, again, he has made a mistake. The official report of the Adjutant-General, hereinbefore referred to, states that there were 1,390 three-months, 11,211 six-months men held for three months, and 27,063 twelve-months men, which aggregate 39,664, instead of 29,098, as asserted by Mr. Dudley. The deduction on account of re-enlistments and duplications should be 13,221 instead of 9,699. There were four regiments, one from Alabama, two from Ohio, and one from Missouri, and one company from Iowa, in the aggregate 3,907 men, who were not required to go on to the seat of war, and who were discharged from the service before the expiration of sixty days from enlistment. These, of course, would not be entitled to a pension under this bill. Mr. Dudley, however, included them in his estimate.

The report of the Adjutant-General hereinbefore referred to states that there were reported to his office as killed and died of diseases in Mexico of the soldiers enlisted in said war 12,851. The Adjutant-General states, also, as follows:

It is proper also to state that the discharges on account of disease or disability, and the number of ordinary deaths reported to the Adjutant-General's Office and exhibited in the table, must be much less than the actual loss, owing to the missing muster-rolls and returns, which could never be obtained, although repeatedly written for to commanders of regiments and corps.

This report does not pretend to state the whole number of soldiers who died in Mexico, but it does state that 12,851 is *much* less than the real number. Would it be unreasonable for the committee to assume that the deaths there were at least 20,000? There were a few of the regiments whose muster-rolls seems to have been full and complete.

Would it not be reasonable to assume that other regiments alike situated lost as heavily as they did? Colonel Collins's regiment of 1,000 men lost 297. Colonel Cheatham's regiment of 1,000 men lost 210. The Palmetto regiment of 1,000 men lost 405. Colonel Seymour's battalion of 403 men lost 184. The total number of men in these regiments was 3,403, and the total loss was 1,096, about one-third of the whole number. This calculation would show a total loss in Mexico by deaths of about 33,000 men. This calculation, however, is probably excessive; but the committee are very well satisfied that these regiments could not have lost more than one-third in excess of the loss sustained by other regiments, which would make the total loss in Mexico by deaths 24,000.

There is still another way by which we may approximate the losses of our army in Mexico. Returns of the regular Army are full and complete. Why would not an estimate based upon the losses of this arm of the service be a criterion by which to judge the losses of the volunteer army? The committee will not base the calculation on the losses in the old establishment, for the troops in it served much longer than those in the volunteer service. The committee will take the new establishment, for the soldiers belonging to it did not serve much longer in the Mexican war than those of the volunteer regiments. The new establishment numbered 11,000 men in round numbers. Its loss was 2,264 by death in Mexico. Now, if 11,000 lost 2,264, 100,000 would have lost 20,580. This would be the loss from deaths in Mexico for the whole army. The committee feel confident that our losses by death in Mexico were fully 20,580. The number of desertions as reported by the Adjutant-General were 6,725 men; but owing to the missing muster-rolls the number reported must be much less than the actual number of desertions. The committee believe that they might very reasonably assume that the desertions were 2,000 more than reported to the Adjutant-General, which would make 8,725 desertions. The regular Army was not mustered out at the close of the war. The number of desertions from it for the next two years after the close of the Mexican war was much larger than usual, owing to the excitement and general demoralization growing out of the discovery of rich gold mines in California. The committee are satisfied that they might reasonably assume that the number of desertions for the next two years after the war from the regular Army was at least 3,000.

Let us recapitulate. There were 13,231 re-enlistments (3,709 serving less than sixty days and who did not go on to Mexico), 20,580 deaths in Mexico, 8,725 desertions during the war, and 3,000 desertions from the regular Army during the next two years after the war. These aggregate 49,235. There were discharged from the service in Mexico on account of disability 9,749 men. It is reasonable to suppose that at least one-third of these men died before the expiration of the war, which would be 3,249, which added to 49,235 would give 52,484 men. Deduct 52,484 from 100,000, the number of enlistments in the war, and we have 47,516 at the close of the war, thirty-seven years ago, who would be entitled to a pension under this bill if now living. There is another way by which we may arrive at, or approximate at least deaths and desertions from the volunteer service in this war. The muster-rolls give us the number of enlistments in the war and the number discharged before and after term of service expired. The difference between the number enlisted and the number discharged will represent the number of deaths and desertions, because every soldier who did not desert or die in the service was either discharged before or after the expiration of his term of service. It has been shown that 73,260 was the number of enlistments in the volunteer army in this war. The report of the Adjutant-

General hereinbefore referred to shows that there were discharged before and after their term of service had expired 50,563 men from the volunteer army. The difference between the number of enlistments and the number of discharges is 23,697, which represents the loss by deaths and desertions in the volunteer army in this war. The deaths and desertions in the regular service are given in this same report of the Adjutant-General at 8,667, which, added to 23,697, the loss in the volunteer service, give 32,364, which is the aggregate loss by deaths and desertions in this war in the volunteer and regular services.

Thus, we have 13,221 re-enlistments, 3,709 not serving sixty days, 32,364 desertions and deaths in Mexico, 3,000 desertions from the regular Army the next two years after the close of the war, and 3,249 (one-third of 9,749) who were discharged on account of disability in Mexico, assumed by the committee to have died before the close of the war; in all, 55,543 men, which, deducted from the whole number enlisted (100,000 men), leaves surviving at the close of the war 44,447 men who would be entitled to pensions under the provisions of this bill if now living. It will be seen that the difference between the two modes of estimating the number surviving at the close of this war, employed by your committee, is only 3,069. The committee believe that the latter calculation approximates the number surviving more accurately than the former. The estimate made by Mr. Dudley, to which we have heretofore referred, assumes that 76,382 of the soldiers of this war survived at its close. The committee present facts from the official records upon which they estimate that there could have survived not exceeding 44,447, a difference between the committee's estimate and that of Mr. Dudley of 31,535. The committee, after a most thorough investigation, state that in their opinion not exceeding 44,447 of the soldiers who enlisted in the Mexican war, and who served sixty days or more, or actually performed service with the Army in Mexico, and were honorably discharged, survived the war. How many of these old veterans are now living? They will average sixty-two years of age. They were exposed to extraordinary hardships and privations while in Mexico, which must of necessity have much impaired their health and shattered their constitutions. They have since witnessed a terrible civil war, in which many of them took part on one side or the other. The gold excitement in California immediately after the close of the Mexican war caused many of them again to expose themselves to further hardships in the wild hunt for gold. Applying the ordinary life-tables of Carlisle, there would be surviving 23,000 of these veterans. The committee submit, however, that the ordinary life-tables cannot be applied to those who have served in the Army. A distinguished member of the present House and a member of this committee (Mr. Steele, of Indiana), submitted to the House during the last Congress statistics showing the average life of officers in the Army which will throw much light upon this subject, and which will most conclusively prove that the Carlisle life-tables will not apply to soldiers. The statistics given by Mr. Steele were prepared by Capt. George W. Davis, of the United States Army, and they show the mortality among the officers of the Army from 1828 to 1878.

Of 42 officers entering the service at nineteen, all but 4 had died before attaining the age of sixty-two. Of 199 entering at twenty-two years, but 9 survived at sixty-two. Of 120 entering at twenty-five years, but 4 survived at sixty-two. Of 42 entering at twenty-nine years, none reached sixty-two years. Of 24 entering at thirty-two years, none reached sixty-two years. Of 13 entering at thirty-six years, none reached sixty-two years. Of 1,393 officers (all of whose ages were of record) who entered the service at various ages from seventeen to sixty-one, but 84 attained the age of sixty-two years, or almost exactly 6 in 100.

These statistics prove that not over 6 in 100 soldiers reach sixty-two years of age. If the Carlisle tables were applied to the 1,393 officers, they would show that over 500 reached sixty-two years of age instead of eighty, thus conclusively demonstrating that the Carlisle tables used by Mr. Dudley are not applicable to soldiers. Applying these statistics to the 44,447 soldiers who survived the Mexican war and who would be now sixty-two years of age, there would be surviving 2,750.

The committee, however, do not pretend to base their calculations upon the statistics furnished by Captain Davis. The committee estimate that there are now surviving not exceeding 12,000 of these veterans who would be entitled to a pension under this bill. This estimate is in excess of the estimates made by the best informed of the old soldiers themselves as to the survivors of that war. The national association of the veterans of the Mexican war, which was formed some eight or ten years ago, has been industriously endeavoring to find out who are the survivors and to enroll them. This association has had the aid of State associations in almost every State in the Union, and up to this time they have only enrolled 6,000 or 7,000.

In support of this estimate the committee quote from a letter written by General George W. Morgan, of Ohio, December 15, 1873:

After the maturest reflection it is my conviction, comrades, that of the men who served with us on the fields of Mexico less than six thousand are alive to-day.

The number of widows who would receive pensions under the bill will be small. The committee base a calculation upon the history of an Alabama company as to the probable number of widows who would receive pensions. This company had ninety-six men. Six of these men were married prior to their discharge from the service; five of the six are dead; three of the five widows are also dead, and one has remarried, leaving only one beneficiary under the bill. Taking this company as a basis for estimating the number of widows who would receive a pension under the bill, they would not exceed one thousand.

Thus it will be seen that 13,000 soldiers and widows of the Mexican war will be entitled to a pension of \$8 a month under this bill. The Commissioner of Pensions, Mr. Dudley, estimates that 16 per cent. of persons entitled to pensions do not apply therefor. The committee therefore deduct 16 per cent. from 13,000, which is 2,000, which deducted from 13,000 leaves 11,000 who would receive a pension under the bill at \$96 each per annum, aggregating \$1,056,000.

INDIAN WARS.

The Commissioner of Pensions included in his estimates, heretofore alluded to, the following Indian disturbances, not included in this bill, viz: Seminole war of 1817, forces employed, 5,911; Cherokee war, of which the committee had never heard, forces employed, 3,926. The committee were aware that in 1836 or 1837 the Cherokee Indians were voluntarily and peaceably removed to the Indian Territory; and that a few troops and citizens of North Carolina and Tennessee accompanied them as a guard on a grand frolicking and hunting expedition; but if there was any war or disturbance with the Cherokees in 1836 or 1837 the committee have no recollection of it. He also includes in his estimates a disturbance with the Indians in New York State in 1839; forces employed, 1,128. These little disturbances, which did not assume the proportions of the war, are not included in this bill. The Indian wars included in the bill are the Black Hawk war of 1832, the Creek war of

1835-'36 and the Florida war from 1836 to 1842. Mr. Dudley in his estimates states that the forces employed in the Black Hawk war numbered 5,031.

The official report of General Macomb, speaking of this war, says:

Instructions were sent to General Atkinson authorizing him to call on the government of Illinois for such militia force as would, with the regular troops under his command enable him to act efficiently. Accordingly, 3,000 mounted volunteers were ordered into the field by the governor. The campaign was opened with these troops and about 400 regulars.

The number of troops engaged in this war was 3,400 and not 5,031. It has been fifty-two years since this war, and the survivors would now average 82 years of age. Mr. Dudley, speaking of the Indian wars, says:

I am persuaded, however, that the character of the Indian wars was such that it called into the service more generally the more advanced ages, especially when the term of service was short and enlistment in the vicinity of the Indian disturbance.

The committee have estimated the average age of the soldiers of the Indian wars when they entered the service at thirty years. There cannot be now surviving over 300 persons, including widows, who would be entitled to a pension under this bill for services in said war. Mr. Dudley estimated the number of troops employed in the Creek war at 13,418. Here again he is mistaken. The number was 10,500, including 1,500 Indians not pensioned by this bill. The report of the Commissioner of Pensions, dated November 15, 1871, states the number in this war at 12,483, but the official report of General Jesup will show that there were but 10,500.

This same report of General Jesup states that when he had subdued the Creeks he took the regular 1,500 men, and the Tennessee brigade of 1,500 strong, into the Florida war. The troops which he thus took into the Florida war and the 1,500 Indians aggregate 4,000 men, which, deducted from 10,500, leaves 6,500. The committee deduct the 1,500 regulars and the Tennessee brigade because they will be estimated in this report as participating in the Florida war. How many of the 6,500 were killed, died of disease, or deserted, or served less than thirty days, is not known. This war was in 1836, forty-eight years ago, and the surviving soldiers now average seventy-eight years of age. But few can now be living. The committee estimate that not exceeding 600 of these soldiers and widows of deceased soldiers of this war now survive.

Mr. Dudley said that there were 41,122 troops in the Florida war. This is another mistake which he has made. The report of the Commissioner of Pensions of November 15, 1871, states the number engaged in this war at 29,955. The committee, after a careful examination of the subject, are satisfied that the number of enlistments in this war did not exceed 27,000. It is impossible to arrive at the exact number from the official reports, but enough is given to enable the committee to approximate the number. The official reports show that there were in Florida in 1836, 1,080 volunteers and 1,996 regular troops; in 1837, 4,078 militia and 4,633 regulars; in 1838, 355 militia and 3,088 regulars; in 1839, 703 militia and 2,321 regulars; in 1840, 250 militia and 2,720 regulars; in 1841, 100 militia and 2,722 regulars; and in 1842, the last year of the war, 1,300 regulars and no militia. These figures are taken from the official reports, which show the number of troops on the muster-rolls in November of each year. The number of militia, according to these reports, was 7,106 and 19,692 regulars, militia and regulars 27,098. This calculation includes the number of men employed in the war each year. The term of service in the regular Army was three years. So the committee may very well suppose that the regular troops were counted

three times in the above calculations. The true number, therefore, of the regular troops is one-third of 19,692, which is 6,564, which, added to the militia, 7,406, gives 13,970 soldiers who were actually engaged in the Florida war.

The surviving soldiers of this war will now average seventy-six years of age. There cannot be now surviving exceeding 3,000 soldiers and widows of deceased soldiers of this war who would be entitled to a pension under this bill. The surviving soldiers and widows of soldiers of the three Indian wars included in this bill will aggregate 3,900. The committee deduct 16 per cent., the number entitled to pensions who do not apply therefor, and there remain 3,276 persons entitled to pensions under this bill.

RECAPITULATION.

Number of survivors of the Mexican war, 11,000.

Number in Black Hawk, Creek, and Florida wars, 3,276; in the aggregate, 14,276 who will be entitled to a pension under this bill, at a total annual cost of \$1,370,496. For fear of underestimating the number of survivors the committee will add one-fourth to the above estimate, which would be 19,845.

To pension the grand total of the surviving soldiers and widows of soldiers of all these wars would therefore cost \$1,713,220 annually, which would constantly be decreasing from month to month.

The committee in their zeal to aid the old soldiers may have made some mistakes in the foregoing estimates; but if so they have not been able to detect the error. The beneficiaries of this bill cannot be expected to survive on an average over fourteen years, and if the bill should require per chance \$2,000,000 per annum the country can very well afford to pay that amount to them in recognition of their gallant services. The whole cost, even at \$2,000,000 per annum, would not exceed \$28,000,000, covering a period for its distribution of twenty-five years. The surviving soldiers of the wars named have strong claims upon the bounty and gratitude of their country. The committee have not thought proper to enter on any encomium upon these brave defenders of their country. They need no eulogy from the committee. There is the imperishable history of their privations, suffering, and achievements in Illinois, Alabama, Georgia, Florida, and Mexico. That speaks far more eloquently for their cause than any language the committee can command.

The committee have shown that in the light of past legislation this bill ought to pass. They have shown that the soldiers embraced in the bill had the right to expect, when they volunteered to defend the country, that when old the Government would grant them the pension asked in this bill. They have shown that as a matter of sound national policy the bill ought to pass. They have shown that the Government acquired by the sufferings and valor of the Mexican veterans 937,875 square miles of territory of incalculable wealth, which opened a highway to the Pacific Ocean, and which holds in its arms the gateway to the eastern continent. They have shown that as a matter of justice, as well as national gratitude to the men who maintained so gloriously the flag of the country, this bill ought to pass.

They have shown that such an act, pensioning the brave men of the North and South who fought shoulder to shoulder under Taylor and Scott, would strength the Government far more than costly and formidable fortifications, grand and magnificent navies, or large and imposing armies. The States of Missouri, Indiana, Illinois, California, Lou-

isiana, Alabama, and others have instructed their Representatives to support this bill. It is a measure the whole people of the country will most heartily approve and indorse. There are eight or ten thousand old soldiers, far advanced beyond the meridian of life, now in penury and want, whose sad hearts would be cheered and made to leap with joy at the news of the passage of this bill. Let their hearts be gladdened and their declining years lightened by granting this pittance.

Remember, they

Bore their country's honors high,
Resolved to conquer or to die;

and that their gallant deeds "have reflected a blaze of imperishable glory on the American name."

