

JOEL B. MORTON.

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APRIL 20, 1888.—Committed to the Committee of the Whole House and ordered to be printed.

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Mr. MOBBILL, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany bill S. 432.]

*The Committee on Invalid Pensions, to whom was referred the bill (S. 432) for the relief of Joel B. Morton, submit the following report:*

The report of the Senate Committee on Pensions sets forth fully the facts in this case, and your committee adopt it with the recommendation that the bill pass.

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[Senate Report No. 403, Fiftieth Congress, first session.]

Joel B. Morton, the claimant in this case, is seventy-six years of age, a pauper, dependent upon the charity of others.

His son, Calvin Morton, upon whose account pension is claimed, enlisted in Company B, Sixteenth Regiment, New York Volunteer Infantry, at Albany, May 15, 1861, for two years, and was discharged December 10, 1862. Re-enlisted in Company M, U. S. Cavalry, February 12, 1864, and was discharged by re-enlistment a sergeant. Re-enlisted as above in same organization and was discharged February 12, 1867. There is no record of his subsequent enlistment in U. S. Army by name of Calvin Morton.

It is alleged that the said Calvin Morton, claimant's son, was killed in the battle of Little Big Horn, commonly known as the "Custer massacre," June 25, 1876, but his name does not appear as an enlisted man upon the records of casualties of said battle. If an enlisted man, must have been enrolled under an assumed name, as there is no record of his enlistment. Said soldier was last heard from, by his father, two weeks prior to the massacre above referred to, and it is believed that he joined the Custer command at or about the time of the engagement with the Sioux Indians on the Little Big Horn River, Montana Territory, June 25, 1876, but, owing to the massacre of the entire party, no record of his enlistment was preserved.

The only proof of the death of claimant's son, Calvin Morton, is the affidavit of Anderson G. Shaw, a general merchant of Valentine, Nebr., whose good character is certified to by the clerk of the district court. Shaw testifies that he was present on the field of battle after the Custer massacre when the killed were buried by men under General Terry's command. Many of those buried were recognized by men of the burial party as old acquaintances and friends. Their remarks convinced him that they were intimately acquainted with the dead soldiers before the massacre. One man, approaching a corpse, said, "Here is Morton," to which another comrade answered, as he came up, "Yes, that is him." Description is the same in all particulars as that in enlistment certificate of 1862 and same as that given by the father of Morton in his affidavit, viz, a tall man with black hair and eyes.

Claimant states that it is hard to get testimony from the soldiers who were present at the time; that he had no acquaintance with them, and that he knows of no way to reach or find them after more than ten years have elapsed.

From the fact that Calvin Morton was heard from in Dakota, not far from the scene of the Custer massacre, a short time before it occurred; that he had been before this many years in the regular Army, and that it is quite usual for such persons on the frontier to join such expeditions for temporary active services; that he was identified after death on the battle-field, and that he has never been heard from since, there is no doubt that he was a victim of the massacre; and as the father is very aged, absolutely a pauper, and the son had given many years of his life to the service of his country, your committee believe the claim to be meritorious, and accordingly recommend the passage of the bill.

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