

## POWELL'S BATTALION MISSOURI MOUNTED VOLUNTEERS.

FEBRUARY 13, 1889.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

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Mr. HUTTON, from the Committee on Pensions, submitted the following

### REPORT:

[To accompany bill S. 3513.]

The Committee on Pensions, to whom was referred the bill (S. 3513), granting pensions to Powell's Battalion of Missouri Mounted Volunteers, have considered the same and report:

This bill in substance has been favorably reported at the first session of this Congress, as one of the amendments of the Mexican service pension act of January 29, 1887, and is now on the Calendar of the House (H. R. 10189).

The following extract from the report of this committee (Report No. 2358) on said bill is made part hereof:

One of the objects of this bill is to extend the provisions of the act of Congress of January 29, 1887, commonly called the "Mexican pension law," to the officers and privates of the Mounted Battalion Missouri Mexican War Volunteers, called also "Powell's Organized Battalion Missouri Mounted Volunteers." Said organization was raised in the State of Missouri under a request made by the President of the United States upon the governor of that State for a battalion of five companies of mounted volunteers, and in pursuance of an act of Congress approved May 19, 1846, entitled "An act to provide for raising a regiment of mounted riflemen, and to establish military stations on the route to Oregon." By the third section of said act it is provided that—

"The said regiment of riflemen shall be subject to the Rules and Articles of War, and shall be recruited in the same manner as other troops in the service of the United States, and on the same conditions and limitations; and the officers and non-commissioned officers, musicians, privates, blacksmiths, and farriers shall be entitled to the same provisions for wounds and disabilities, and the same provisions for widows and children, and the same allowances and benefits, in every respect, as are allowed to other troops composing the Army of the United States."

In pursuance of said act and requisition five companies, under the command of Lieutenant-Colonel Powell, were received by the Government and mustered into the service at Fort Leavenworth in the month of June, 1847. Every member of the organization was mustered into the service for and during the war with Mexico, which, it will be remembered, was at that time existing.

It is also to be remembered that all that portion of the United States lying west of the Missouri River was Indian territory, occupied by fierce and hostile bands of Indians. Great inconvenience, delay, and loss having occurred in the transportation of troops and supplies through this Indian country, Powell's battalion was organized to protect the lines of communication from Indian depredations and keep the Indians in restraint. To this duty the battalion was assigned. The organization left Fort Leavenworth in the summer of 1847, and marched to a point on the Missouri River known as Table Creek, arriving there about the 15th of December of that year, and there going into winter quarters. On the 24th of April, 1848, the command broke camp at Table Creek and proceeded westward to a point on the Platte River, which they reached about the 1st day of June, 1848, and established a post and fortifications upon said route at a point on the south bank of the Nebraska or Great Platte River, a little below the head of the Grand Island, 300 miles northwest from Fort Leaven-

worth and 200 miles from their winter quarters at Table Creek, on the Missouri. Here the battalion maintained its headquarters until October, 1848, when, its term of service having expired, it was relieved by several companies of the regular Army and returned to Fort Leavenworth, there being mustered out on November 9, 1848.

It may be said, technically, that said battalion was not "on the border of Mexico or en route thereto" in the war with that nation, or that they were actually engaged in a battle in said war; nevertheless they were soldiers in that war, and engaged in driving back hostile Indians who were harassing our forces in Mexico and others en route thereto; that they were mustered in as soldiers in said war, rendered the service which the Government required of them, and were promised by the act authorizing the organization the same allowances and benefits, in every respect, as were allowed to other troops composing the Army of the United States. It was no doubt the intention of Congress in the passage of the act of January, 1887, to include the members of this battalion, but it has been held that the act, in terms, does not include them, and, therefore, there is no remedy but by the proposed bill. Under the law granting land-warrants to the soldiers of the Mexican war, the soldiers under Scott and Price and Doniphan were no more promptly allowed land-warrants than were the members of this battalion, and thus a construction by those contemporary with the law was placed upon it, and the act before referred to makes the granting of a land-warrant *prima facie* evidence of the right of the soldier to a pension.

The act of Congress of February 11, 1847, was an act granting land-warrants to soldiers for service during the Mexican war, and this act was within a year after the termination of said war construed by the Government to include the members of this battalion, and under the provisions of the law granted the same privileges and allowances, in every respect, as were allowed to other troops composing the Army of the United States. It is difficult to see why the members of this battalion were denied the benefits of the act of January, 1887. But such having been the ruling of the Department, there is no alternative but an appeal to Congress in behalf of these five companies in the Mexican war, who were enlisted for soldiers in that war and served in that war, but who simply, under orders, failed to enter the territory of Mexico.

The following letter of the Hon. James Craig, for several terms a member of this House, who was one of the captains in this organization, is given as further evidence of the service and worth of the gallant men now asking their rights at the hands of Congress:

SAINT JOSEPH, Mo., *January 18, 1888.*

DEAR COLONEL: I received your letter some time since asking me for information as to the organization and service of the five companies of Missouri Mounted Volunteers, commanded by Lieut. Col. L. E. Powell, of Saint Charles, during the war with Mexico, commonly called the Oregon Battalion. Three of these companies were raised in your district, commanded by Stewart, Rodgers, and myself, one in Saint Charles and one in Saint Louis; of the twenty-odd commissioned officers, I am the only one now living. We were mustered in at Fort Leavenworth in June and July, 1847; mustered out at same post in November, 1848, some months after peace was made, because troops could not be had to relieve us on the plains until they returned from Mexico.

I believe every man and officer of the five hundred volunteered to go to Mexico, but failing to get into regiments then being raised they accepted service in the Oregon Battalion; every man was enlisted and sworn in for and during the war with Mexico; were ever treated as soldiers of the Mexican war by all the Departments of the Government having to do with the Army; paid the same wages; paid three months' extra pay as the other troops; each man received a land warrant for 160 acres; all served and were paid under the same acts of Congress. It may be said that all the above was compensation enough for our service of about a year and a half. The market value of the land warrant, the monthly pay, and the three months' extra pay for a private furnishing his own horse, was less than \$300 for the term. The men, the few survivors, are an average of more than sixty-four years old. I know of only two of them, John H. Utt, of White Cloud, Kans., and myself, who are in circumstances to live without working for their bread.

Our command was ordered to supply the place of the Mounted Rifles among the Pawnees, Sioux, Arapahoe, and Cheyenne Indians, and most of the service was in ranging between the Platte and Arkansas Rivers, and preventing raids by the tribes on supply trains and small escorts on the road from Leavenworth to Mexico, which had cost hundreds of lives and large amounts of live stock and other property in the year preceding our service, in 1846-'47. In addition to the service above we restored to the Government a large number of mules and horses, found among the Indians. I was, during the term, ordered to pursue a band of Sioux Indians, and followed them 100 miles north of Fort Vermillion, in Dakota, returning to Miller's Hollow, now the site of the city of Council Bluffs, Iowa, on the 12th day of December, 1847, losing quite a number of horses in what is now called a "blizzard," but bringing back the two Otoe women captured by the Sioux.

I wrote you last winter after the Mexican pension bill was reported, and expressed my fears that the bill would not cover the services of the command. You handed my letter to the member having charge of the bill, who said that the bill certainly did apply to us. The Pension Office says it does not mention our service. I do not think Congress intended to leave us out; probably knew little or nothing about what was done forty years ago by 500 men sent into the plains, beyond civilization, beyond the mails (no telegraph or newspaper correspondents to advertise us), but I beg to assure you that we served our Government faithfully and as efficiently as any troops can under the circumstances, and tens of thousands are receiving pensions that do not need the \$8 per month half so badly as the few poor old fellows who served in the Oregon Battalion.

On reflection I am not the only survivor of the commissioned officers. Capt. Stewart Van Vliet was our quartermaster (now General Van Vliet, of Washington); is still living in Washington, and will testify to the hard service and good conduct of the men and officers.

I am just starting South for the winter; will leave in an hour, and have not time to read over this hasty letter.

Yours, truly,

JAMES CRAIG.

Hon. JAMES N. BURNES,  
*Washington.*

There are several other commands with equal title to recognition for valuable services rendered in the war against Mexico, and which are covered by said bill H. R. 10189.

The passage of the bill is recommended.

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