

PENSIONS TO THE SOLDIERS AND SAILORS OF THE MEX-
ICAN WAR.

MAY 23, 1888.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

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

REPORT:

[To accompany bill H. R. 10189.]

The Committee on Pensions, to whom was referred various House bills relating to amendments of the act of January 29, 1887, commonly termed the Mexican service act, have given the same careful consideration, and report:

These bills are numbered 1585, 1754, 2192, 4371, 4403, 5036, 5620, 5678, 6112, 6136, 6830, 7224, 7741, and 8379.

The committee have prepared a substitute for all of said bills, which is herewith submitted, and which embraces the substantial merits of each. While no exact or definite estimate can be made of the number of beneficiaries of the amendments proposed, yet the following letter and tabulated statement of statistics, furnished by the honorable Commissioner of Pensions, gives an approximate view of its scope:

DEPARTMENT OF THE INTERIOR, BUREAU OF PENSIONS,
Washington, D. C., March 19, 1888.

SIR: In response to your letter of March 17, with draught of motion to amend Mexican service act affixed thereto, I have the honor to submit the inclosed estimates of the old War and Navy division of this Bureau.

Very respectfully,

WM. E. MCLEAN,
Acting Commissioner of Pensions.

Hon. JOHN E. HUTTON, M. C.,
Chairman Subcommittee, House of Representatives.

DEPARTMENT OF THE INTERIOR, BUREAU OF PENSIONS,
Washington, D. C., March 19, 1888.

SIR: In compliance with your verbal order to prepare a statement of the approximate number of persons who would be beneficiaries under the act of January 29, 1887, if amended as proposed by Hon. John E. Hutton, I submit this table and explanatory statement:

The number of persons employed in the regular Army and Navy, and not embraced in the number included by the act of January 29, 1887, was 6,489 and 2,500, respectively. A small part of the regulars and a larger proportion of the naval force mentioned were probably not in service in Mexico, were not enlisted for service in Mexico, and were not in any service having direct reference to the Mexican war, but no data is accessible by means of which the number embraced by the amendment can be ascertained; therefore, the numbers mentioned have been used in the table.

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Volunteers, estimated at about 1,000, served during the Mexican war, either at the seat of war or in lieu of regulars who were sent to the seat of war. The members of Powell's battalion to the number of about 400 come under the latter description; and, if the words "enrolled for that purpose" are to be strictly construed, should be deducted. The number of survivors of that battalion is probably about 160, and of the surviving widows about 80.

A few of these regulars, and probably a much larger number of the sailors, re-enlisted, and have therefore been counted more than once; 262, the number indicated by reports, has been deducted for the re-enlistment of regulars. Thirty-three and one-half per cent., the ratio taken heretofore as a fair allowance for re-enlistment of volunteers in the Mexican and Florida wars, is deducted from the naval forces. This is a large deduction, but will serve to eliminate the unascertained but large number of sailors who do not come within the provisions of the bill.

The total losses of the army engaged at the seat of war in Mexico, as shown by official reports of the Adjutant-General, U. S. Army, amounted to more than 37 per cent. of that force. The losses of the forces embraced by this table were undoubtedly much less, and have been assumed to be 25 per cent.

After making these deductions, the number alive at the close of the war, and supposed to be embraced by the amendment, is 6,671. Computing by the American table of mortality, the number surviving is found to be 3,577. The remainder, 3,094, shows the number deceased. Taking 90 per cent. of these as the number who were married, and computing as above, we obtained 1,708 as the number of widows.

The soldiers of the Mexican war were found by examination of claims to be twenty-five years of age, and their wives have been assumed to be five years younger.

If the period of service, which is left blank in the amendment, should be cut down sufficiently, it would embrace 3,995 short-term volunteers who served less than sixty days. In that case the number of survivors should be 4,018, and the number of widows 1,918.

To obtain the number embraced by the bill as amended, the number included in the estimates made at the time of the passage of the act of 1887, to wit, 34,748 survivors and 13,826 widows, should be added to the number in this table.

It is impossible to measure the effects of the late war upon the rate of mortality not only of those Mexican veterans who participated therein, but also upon that of non-combatants, but the death-rate was much accelerated without doubt.

Very respectfully,

JAS. B. COIT,
Chief O. W. and N. Division.

Col. WM. E. McLEAN,
Acting Commissioner of Pensions.

Number of soldiers and sailors in service during the war in Mexico not embraced in estimates of the number of soldiers and sailors entitled to pension under the provisions of the act of January 29, 1887, less deductions for re-enlistments and losses in service, with estimates, based upon the American table of mortality, of the number surviving in 1888, and the number of surviving widows of those deceased.

[Amendment of Hon. John F. Hutton.]

	Navy.	Regular Army.	Volunteers.	Total.
Regular Army and Navy during war, not embraced under act 1887.....	2,500	6,489	
Volunteers not regularly enlisted.....			1,000
Deduct for re-enlistments 33 per cent. of Navy and number Army indicated by official reports.....	833	262	
Number actually in service.....	1,667	6,227	1,000
Total number employed.....				8,894
Deduct 25 per cent. for losses in service.....				2,223
Total number entitled and alive at close of war.....				6,671
Number surviving in 1888 (average age 66, expectation of life 10.5 years).....				3,577
Number deceased.....				3,094
Deduct 10 per cent. of deceased for number not married.....				309
Number of widows at close of war and since to date.....				2,785
Number of widows living in 1888 (average age 61, expectation of life 13.5 years.).....				1,708
Total.....				5,285

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 Leavenworth 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, 1837. 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 500 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 values of the land warrant, the monthly pay, and the three months' extra pay for a private furnishing his own horse was less than three hundred dollars 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 a hundred 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 Ottoo 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.

A number of other volunteer organizations were also enlisted for and served during the war, either at the seat of war or in lieu of regulars who were sent to the seat of war. Among these were Captain Coffee's and Captain Fisher's companies of volunteers of Florida; Captain Parker's company of Iowa; Captain Knowlton's company of Wisconsin volunteers; Capt. James M. Morgan's company of Iowa mounted volunteers; and Captain Felch's company of Gray's battalion of Arkansas. All of these organizations performed valuable and efficient services, mostly in forts and garrisons, situated on the then borders of civilization, and they were an element in the prosecution of the war. They were organized for the Mexican war and were enlisted as Mexican volunteers.

Under the general act of January 29, 1887, many of the members of these organizations have been included as pensioners. The honorable Commissioner of Pensions in his ruling (No. 223) dated October 20, 1887, has decided that where a soldier enlisted for the war with Mexico, left his home and traveled a distance therefrom under the authority of the Government in pursuance of such enlistment, and the Government arrested his progress and required him to render service, there is a complete establishment of his right to pension under the words of said act, viz, "en route to Mexico." It thus happens that in some of the organizations mentioned, as in the case of "Knowlton's Wisconsin Company of Mexican Volunteers," many of the private soldiers who resided remote from the garrison, and were given travel pay, have been granted pensions, while the officers and others who were not given travel pay are necessarily ruled out of the operation of the act. In the case of Gray's Battalion, of Arkansas, four companies which were transferred from one fort to another are beneficiaries, while Company D, Captain Felch's company, which was kept at one fort during its term of service, are barred from pension under the act of January 29, 1887.

In New Mexico and along the Pacific coast, territory under Mexican control, and which came to us as one of the sequences of the Mexican war, there resided English-speaking people whose sympathies and interests were solely with the United States. No authority, of course, could be given to such people to enlist and organize companies for service against the Mexicans. Yet a few such organizations were recruited, notably Weber's and Martin's companies on the Pacific coast, and St. Vrain's and others in New Mexico, which did most valuable services and participated in battle. These men were not paid by the United States for their services in that war, but the services were recognized in the allowance to them of bounty land-warrants under the act of March 3, 1855, now section 2426, Revised Statutes United States,

and the fact and nature of the services are amply proved in the land-warrant claims.

McKinstry's company and others were organized in Mexico by authority of the American generals, though never regularly mustered in or out of the military service, composed of civilian employes (teamsters, etc.) who bore arms, participated in the battles, and endured the hardships of a soldier's life. Some of them were killed in action, others served honorably with arms for more than sixty days. Their services were also recognized in the act granting them bounty land-warrants.

Capt. John E. Davis's company of Georgia Volunteers were also irregularly enlisted and discharged (*i. e.*, not by authority of the War Department), but they performed most valuable service, and were participants in the battles in the Valley of Mexico.

While some of the bills before your committee provide for the recognition, by pensions, of the teamsters of said war, without regard to the length or nature of their services, your committee have deemed it expedient to restrict the provisions of the bill solely to those who bore arms for sixty days or were under fire of the enemy.

Your committee recommend that the above-named bills do lie upon the table, and herewith report a bill in lieu thereof.