

FRANCIS A. FIELD.

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JULY 8, 1892.—Committed to the Committee of the Whole House and ordered to be printed.

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Mr. ROCKWELL, from the Committee on Military Affairs, submitted the following

**REPORT:**

[To accompany H. R. 6758.]

The Committee on Military Affairs, having had under consideration the case of Francis A. Field (H. R. 6758), beg leave to state that this officer was enlisted in the service of the United States on the 19th day of August, 1859, and was assigned to the Eighth Regiment United States Infantry; was appointed first sergeant Company F, same regiment, in which capacity he served until April 14, 1862; was then made second lieutenant Eleventh United States Infantry, and was promoted to the rank of first lieutenant June 20, 1863. He was made a captain November 23, 1868, brevetted to date from July 2, 1863, for "gallant and meritorious service in the battle of Gettysburg, Pa." He also served as adjutant of the provost guard, headquarters Army of the Potomac, April 14, 1862, to July, 1862. He was engaged in the first battle of Bull Run; battle of the Peninsula, Seven Days' Fight, Malvern Hill, Gettysburg, second Bull Run, Antietam, Chancellorsville, and other engagements, and served throughout the war as regimental and battalion adjutant.

Against his desire he was placed on waiting orders upon consolidation of the Eleventh and Thirty-fourth Regiments of Infantry, General Orders of the War Department No. 16, 1869, issued under provisions of the act of Congress approved March 3, 1869. At his own request to be assigned to duty he was made member of Gen. Ames's staff, and was, by that general, appointed military mayor of Jackson, Miss., serving in that capacity until August, 1869, when he was relieved at his own request, and was transferred to Indian Territory as agent of the Creek Indians. While acting in the latter capacity he was honorably discharged the service of the United States August 30, 1870, in accordance with the provisions of the act approved July 15, 1870. He was not finally relieved from duty until April 10, 1871.

This officer entered his country's service at the age of 17 years, intending to devote his life to the profession of arms. He served faithfully for twelve years. During his period of service the civil war occurred, and in that conflict he fought gallantly, and made for himself a splendid record. He was discharged from the service through no fault of his own, and against his wishes, after having become practically unfitted for any of the ordinary business pursuits. It is manifest that a great injustice has been done this officer, and your committee

recommend that he be reinstated in the Army of the United States with the same rank held at the time of his discharge, provided, however, that he receive no pay for any period prior to his reinstatement under provisions of this act.

Your committee, therefore, recommend that the bill do pass.

The records of the War Department setting forth this officer's services are made a part of this report.

WAR DEPARTMENT,  
Washington, June 17, 1892.

SIR: I have the honor to return Senate bill No. 2347, Fifty-second Congress, first session, for the relief of Francis A. Field, late captain, United States Army, which was referred to this Department with the request that your committee may be furnished with any information relative to the measure in possession of the War Department.

The bill proposes, in view of the long and faithful service of Capt. Field, before, during, and since the late war, and of the disabilities contracted by him in the service, to authorize the President to appoint that officer as captain in the United States Army and to place him upon the retired list.

It appears from the official records of the Department, as shown in the accompanying papers, that Capt. Field, on August 12, 1870, voluntarily tendered his resignation to take effect October 1, 1870, upon condition that it should be accepted under the provisions of the act of Congress approved July 15, 1870, and that he be ordered to his home, at New York City, at once, with permission to draw traveling expenses at St. Louis, Mo. In accordance therewith, as shown by the records, he was honorably discharged from the service, to take effect upon the date named, viz, October 1, 1870, or "as soon thereafter as he could be relieved from duty as Indian agent," upon which duty he was at that time engaged. It seems, however, according to the records of the Paymaster-General's Office, that Capt. Field was paid "on discharge, to include April 9, 1871," which was over six months later than the date specified in his letter of resignation, and eight months later than the date upon which he asked to be relieved from duty and ordered to his home.

As a rule this Department would feel disinclined to recommend the reinstatement of officers who were mustered out of the service under the act of July 15, 1870, but in this case, in view of all the circumstances and the statements of Capt. Field, as set forth in his memoranda herewith inclosed, dated April 18, 1892, and May 19, 1892, I am of opinion that this is a case deserving of special and favorable consideration. Capt. Field tendered his resignation to take effect on a specified day for the purposes, as stated by him, of availing himself of an opportunity of entering into private business enterprise. By retaining him in the service of the United States six months after the date specified for his resignation the Government he claims deprived him of the opportunity of consummating his business arrangements, which resulted in serious disadvantage to him, and under which he has since labored.

Although on the supernumerary or unassigned list, and one of the class it was proposed to muster out of the service under the consolidation act of March 3, 1869, Capt. Field seems to have been engaged on important military duty from which he could not at that time be relieved, and it is a question whether the Department acted advisedly in accepting his resignation to take effect upon a date anterior to that which he had specified in his letter of resignation.

Under the circumstances, I am of the opinion that the case of Capt. Field involves special merit, which would seem to appeal for the favorable consideration of the bill now pending before your committee for his relief.

Very respectfully, your obedient servant,

S. B. ELKINS,  
Secretary of War.

The CHAIRMAN OF THE COMMITTEE ON MILITARY AFFAIRS,  
United States Senate.

## VIEWS OF THE MINORITY.

The minority of the Committee on Military Affairs, having carefully considered the bill (H. R. 6757) entitled "A bill for the relief of Francis A. Field," beg leave to submit their views upon the same adversely to the report of the committee.

The case of this officer is similar to that of a large number of officers who were mustered out of the service, or honorably discharged therefrom, at the time when the infantry of the Army was consolidated into twenty-five regiments, in compliance with section 2 of an act of Congress entitled "An act making provisions for the support of the Army for the year ending June 30, 1870, and for other purposes."

At that time a large number of officers were placed upon waiting orders, and shortly thereafter were honorably discharged from the service of the United States, many of them, among whom was Capt. Field, at their own request.

For twenty-one years Mr. Field has not been in the Army of the United States, and has had all the opportunities open to citizens in civil life. There is no evidence before this committee that he has not successfully availed himself of those opportunities. There was no evidence before the committee that his services had been so injurious to his health as to have prevented him from successfully following civil pursuits. No reason was shown why he should be preferred by a special act of Congress over any or all of the other officers who were honorably mustered out of the service of the United States or voluntarily resigned upon the reduction of the Army in 1870. No parallel case can be found in the legislation referred to in the memorial of the applicant.

Section 3 of the act approved July 15, 1870, under which Mr. Field left the Army, is as follows:

That the President be, and he is hereby, authorized, at his own discretion, to honorably discharge from the service of the United States officers of the Army who may apply therefor on or before January next, and such officers so discharged under the provisions of this act shall be entitled to receive in addition to pay and allowances due them at the time of their discharge one year's pay and allowance.

In a letter addressed to the chairman of the subcommittee, of the date of April 5, 1892, Mr. Field says:

Believing that I might be mustered out before assignment would take place (being on Indian duty at that time) and having no influence at Washington, I thought it best to resign and look for something to do wherein I could support my family.

At that time Capt. Field was about 28 years old, in full health, and did not claim to be in any way incapacitated by his service. He is now 50 years old only. He is still able to and is earning a very fair salary in a Government position.

Upon a former occasion a similar bill (H. R. 10137, Fiftieth Congress) in behalf of this applicant was submitted to the War Department. After briefly giving a transcript of his military record the Adjutant-General says: "The reappointment of Mr. Field would be a manifest injustice to others."

The minority of the committee fully concur in that opinion of the Adjutant-General, and respectfully submit that this bill should not pass.

JOS. H. OUTHWAITE.  
C. E. BELKNAP.  
E. F. McDONALD.  
O. LAPHAM.