

IN THE SENATE OF THE UNITED STATES.

APRIL 23, 1874.—Ordered to be printed.

MR. PRATT submitted the following

REPORT:

The Committee on Pensions, to whom was referred the petition of sundry citizens of New Ulm, praying that Jacob Nix be placed on the pension-roll, submit the following report:

The Sioux Indians attacked the town of New Ulm, in the State of Minnesota, on the 19th and 23d days of August, 1862. There were no United States troops or State militia stationed at the town or in the vicinity at the time to repel the attacks. There was a small garrison at Fort Ridgely, but entirely inadequate to keep the Indians peaceable. This tribe lived on a reservation adjoining Brown County, became hostile, murdered their agent and traders at the agency, and killed nearly the whole command sent from the fort to the agency for the purpose of protecting the property of the United States and the lives of such citizens as dwelt on the reservation. The citizens, however, rallied, were enrolled, and organized into companies, under the direction of the sheriff, and the said Jacob Nix was designated by him to take command and did so until the arrival of Hon. Charles C. Flandrau, after which Nix acted as assistant commander, and by his bravery and good conduct contributed largely to prevent the town falling into the hands of the Indians. While commanding he was twice wounded, losing the third finger of his left hand and receiving a gunshot wound in the muscles of the left arm, between the elbow and shoulder, by which he has been partially disabled from earning his subsistence. He was formerly prosperous, but by reverses in business is now poor. These are the grounds on which a large number of the citizens of New Ulm pray that he be granted a pension.

Several affidavits establish the foregoing facts. The case is clearly not within any rule by which a pension could be granted under existing laws at the Pension Bureau. Should Congress grant one?

How many persons were killed and disabled in these two attacks of the Indians is not shown. But clearly those disabled could set up a similar claim, while the widows, children, and dependent relatives of those who were killed or died of injuries received in the engagements could make a like claim, if this one be allowed.

The force assembled was of the State militia. The officers were civilians. No officer of the United States was in command.

The defense was conducted wholly by citizens, organized for the time being by the sheriff, in pursuance of a law of the State. No law had promised the men who obeyed the call of the sheriff and governor pensions in case of disability.

Whatever may be thought of the propriety of extending the law to such cases, it appears to the committee unwise to single out an isolated case which has no aggravated features. The committee, therefore, ask to be discharged from the further consideration of the petition.