

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 18, 1885.—Ordered to be printed.

Mr. VAN WYCK, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 2400.]

*The Committee on Pensions, to whom was referred the bill (S. 2400) granting a pension to Eliza W. Thornburg, have examined the same, and report as follows:*

The applicant is the widow of Maj. Thomas Tipton Thornburg, who was killed in action against the Ute Indians, near Milk Creek, Colorado, September 29, 1879. The military record and sterling qualities of Major Thornburg are fully stated in the following:

GENERAL ORDERS, }  
No. 32. }

HEADQUARTERS FOURTH U. S. INFANTRY,  
Fort Sanders, Wyo., October 16, 1879.

It has become the sad duty of the colonel commanding to announce to the regiment the death of Maj. Thomas T. Thornburg, Fourth Infantry, who was killed in action against hostile Ute Indians near Milk Creek, Colorado, September 29, 1879.

Major Thornburg's first military service was rendered during the late rebellion. He was a native of Tennessee, and in September, 1861, enlisted in the Sixth Regiment of Tennessee Volunteers. In that regiment he served five months as a private, two months as sergeant-major, and for the remainder of his time in the volunteer service as lieutenant and adjutant. He took part in the battle of Mill Springs, Ky., January 17, 1862; was with General George W. Morgan's division when, being compelled to evacuate Cumberland Gap, in September, 1862, it made its celebrated retreat of nearly 300 miles, through an enemy's country to the Ohio River; and participated in the battle of Stone River, December 31, 1862, where his horse was shot under him.

He was entered as cadet at the United States Military Academy July 1, 1863, and was graduated therefrom and appointed second lieutenant Second Artillery, June 17, 1867. After the expiration of his graduating leave he served with his regiment on the Pacific coast until February 25, 1868; and from April 13, 1868, to May, 1869, was at the artillery school at Fort Monroe, Va. He returned to the Pacific coast June 14, 1869; was promoted first lieutenant in his regiment April 21, 1870; and was detailed by order of the President, as professor of military science at the East Tennessee University, at Knoxville, Tenn., from November 27, 1871, to June 20, 1873, when he was relieved at his own request. He was stationed at Fort Foote, Md., from June 30, 1873, to April 26, 1875; at which latter date he was appointed major and paymaster United States Army, and served as such in the departments of Texas and the Platte. He was transferred to this regiment vice Maj. Henry G. Thomas, May 23, 1878.

Major Thornburg's first field service after he had joined this regiment was his vigorous pursuit, with a detachment of hastily mounted infantry soldiers, of the band of Cheyenne Indians under Dull Knife, who were making their memorable flight northwards from their reservation in the Indian Territory. Getting upon their trail late in the afternoon, and some hours after the Indians had passed, he began a pursuit which he maintained with the greatest perseverance and energy for several days, until the trail was lost, pressing the Indians so closely that they abandoned much of their property and stock.

On the 21st of September last Major Thornburg left his station, Fort Fred. Steele, Wyo., with a detachment of four companies, constituting a force of 7 officers and

185 men, under the instructions of the department commander to proceed to the White River Ute Agency. On the 29th, while en route with a portion of his command, he encountered a strong body of Indians near Milk Creek, Colorado, a rugged and most difficult mountain region. A desperate engagement, the details of which it is not necessary to recite, speedily followed, in the course of which, a few moments after he had led a most gallant charge, Major Thornburgh was shot through the head and fell dead on the field. Thus in soldierly devotion to duty was closed an honorable and useful career.

The many estimable qualities of the deceased officer made him an ornament to the service, and must have gained him friends wherever he was known. He was ambitious of soldierly achievements and distinction; was frank, genial, and considerate in his social intercourse, and of strict integrity in the affairs of life.

He leaves a wife and two children to mourn his loss, who in their bereavement will receive the heartfelt sympathies of his many friends.

In honor of his memory the colors of the regiment will be draped in mourning, and the officers of the regiment will wear the usual badges of mourning for thirty days.

By order of Colonel Flint :

Official :

THEO. E. TRUE,  
*First Lieutenant Fourth Infantry, Adjutant.*

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Mrs. Thornburgh was promptly granted a pension on the day of , 1880, \$25 for herself and \$2 each for two children per month, the largest to which she was entitled by general law.

Application is now made for special act increasing pension to \$50 a month.

Bills of this character had their origin in the desire of Congress to recognize especially brilliant and meritorious service. Afterwards the rule was widened as to the reason, but restricted to rank, so that widows of generals, admirals, or commodores receive the special pension, as of course. No matter the nature of the service, in peace or war, if the officer has been so fortunate as to reach a good old age and passed through all grades of rank, it has been presumed the conditions of brilliant and exceptional service have been reached. Your committee have thought best to recognize the actual state of facts, and have insisted that the rule has been so much enlarged as to really ask that if anything be done the general laws shall be modified and if necessary make an increase, so that claimants may take as a matter of right and not of entreaty.

The case of Mrs. Thornburgh is equally as meritorious, and probably more so, than many passed into laws. True, her husband had not the rank of general, but his record was brilliant, and an increase of pension will be more just if given to the widows of all officers and privates where the service has been brilliant.

Take this case: Ten soldiers fell by the side of Major Thornburgh. If they left widows were they not as much entitled to a similar increase?

I know it is claimed that in life different compensation is allowed, but there is no reason why such discrimination should continue after death.

Most of these bills are the result of sympathy and entreaty. By social influences, by personal solicitation, by supplicating letters from generals in the Regular Army, admirals and commodores in the Navy, special bills are passed. But what of the thousand widows who cannot surround Congress with arguments so potent?

The Senate makes the increase in cases like Mrs. Thornburgh, but your committee feel that substantial justice will better be done by reorganizing our general laws in the matter of pensions and increasing where the rate is now too small.