

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 2, 1881—Ordered to be printed.

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

REPORT:

[To accompany bill H. R. 1320.]

*The Committee on Military Affairs, to whom was referred the bill (H. R. No. 1320) for the relief of citizens of Montana who served with the United States troops in the war with the Nez Percés, and for the relief of the heirs of such as were killed in such service, have had the same under consideration, and beg leave to submit the following report :*

This subject has been favorably considered by the Committees on Military Affairs of both houses of Congress on several occasions.

A bill, similar in character to this one, passed the House of Representatives in the Forty-fifth Congress, and was also favorably reported by this committee in the same Congress, but failed to receive final action for want of time.

Your committee have adopted the report made by this committee at that time, which is as follows:

*The Committee on Military Affairs, to whom was referred the bill (S. 758) for the relief of citizens of Montana who served with the United States troops in the war with the Nez Percés, and for the relief of the heirs of such as were killed in such service, have had the same under consideration, and submit the following report :*

This bill is to place certain volunteer citizens of Montana Territory who served with the United States troops in the war with the Nez Percés Indians on the same footing as if they had been regularly mustered into the service, and to have such rights accrue to the heirs of those citizens who were killed in action.

The Secretary of War, upon being addressed for information, replies as follows, expressing the views of the General of the Army :

WAR DEPARTMENT,  
Washington City, March 7, 1878.

SIR: In reply to your letter of the 26th ultimo, asking to be informed as to the propriety of Senate bill 758, "for the relief of citizens of Montana who served with the United States troops in the war with the Nez Percés and for the relief of the heirs of such as were killed in such service," I have the honor to subjoin hereto the views of the General of the Army on said bill, viz:

"The danger in Montana was imminent. No law warranted the calling out of volunteers; but if the Government of the United States is expected to protect citizens in the possession of their property against hostile Indians, the obligation is none the less strong because unauthorized. I heartily approve the measures of the inclosed Senate bill No. 758."

Very respectfully, your obedient servant,

GEO. W. McCRARY,  
Secretary of War.

HON. GEORGE E. SPENCER,  
Chairman Committee on Military Affairs, United States Senate.

The Secretary of War, by letter of subsequent date to his first communication, transmits the following from Col. John Gibbon, commanding the Military District of

Montana, giving the names of the citizens who served in the said war, specifying those who were killed and wounded, and expressing the hope that some provision may be made for them:

WAR DEPARTMENT,  
Washington City, March 15, 1878.

SIR: In connection with my letter of the 7th instant, giving the views of the General of the Army on Senate bill 758, "for the relief of citizens of Montana who served with the United States troops in the war with the Nez Percés, and for the relief of such as were killed in such service," I have the honor to inclose copy of a letter from Col. John Gibbon, commanding District of Montana, dated September 5, 1877, giving the names of the citizen volunteers who accompanied him in the expedition against the Nez Percés Indians.

Very respectfully, your obedient servant,

GEO. W. McCRARY,  
*Secretary of War.*

Hon. GEO. E. SPENCER,  
*Chairman Committee on Military Affairs, United States Senate.*

HEADQUARTERS DISTRICT OF MONTANA,  
Fort Shaw, Mont. Ter., September 5, 1877.

To ADJUTANT-GENERAL U. S. A.  
(Through Headquarters Department of Dakota),  
Washington, D. C.:

SIR: I have the honor to report that the following-named citizens of Montana Territory accompanied me as volunteers in the late expedition against the Nez Percés Indians; most of them were in the battle on the 9th and remained faithfully with us till the last.

Those who were killed and wounded are marked in the margin.

I trust some provision may be made by law, by which these parties may be placed on the same footing in regard to pay, allowances, pension, &c., as is now provided for soldiers duly mustered into the service of the United States.

John Armstrong. (Killed.)  
Jacob Baker. (Wounded.)  
Anthony Chaffin.  
Oscar Clark.  
Samuel Dunham.  
William Edwards.  
Fred. Held.  
—— Hubbard.  
Otto Lifer. (Wounded.)  
Amos Buck.  
J. B. Catlin.  
Samuel Chaffin.  
I. W. Davis.  
L. C. Elliott. (Killed.)  
Charles Hart.

Joseph Hull.  
Oscar Judd.  
Myron Lockwood. (Wounded.)  
Almond Lockwood. (Killed.)  
David Morrow. (Killed.)  
Squire Madding.  
M. F. Sherrill.  
Barnett Wilkinson.  
Michael Wright.  
Eugene Lent.  
Campbell Mitchell. (Killed.)  
William Ryan. (Wounded.)  
Thomas Sherrill.  
George Waide.  
Jerry Wallace.

Very respectfully, your obedient servant,

JOHN GIBBON,  
*Colonel Seventh Infantry; Commanding.*

Your committee, in view of the favorable opinion expressed by the Secretary of War, the General of the Army, and Colonel Gibbon, recognize the equity and justice of affording a portion of the relief contemplated by the bill, and therefore recommend its passage as reported.