

IN THE SENATE OF THE UNITED STATES.

JULY 26, 1882.—Ordered to be printed.

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

REPORT:

[To accompany bill S. 1267.]

The Committee on Military Affairs, to which was referred the bill (S. 1267) to correct the Army record of certain officers named therein, respectfully submits the following report:

A careful consideration of the subjoined documents, to wit, the letter of the Acting Secretary of War, of date 21st July, 1882, marked Exhibit A, and of the communication of the Adjutant-General of same date, with accompanying documents, marked Exhibit B, satisfies the committee that the relief asked ought not to be granted. Wherefore the committee reports back said bill with recommendation that it do not pass.

EXHIBIT A.

WAR DEPARTMENT,
Washington City, July 21, 1882.

SIR: I have the honor to acknowledge the receipt of your letter of the 2d instant, inclosing S. 1267, Forty-seventh Congress, first session, a bill to correct the Army record of Lewis Downing, late lieutenant-colonel of the Third Regiment of Indian Home Guards; Evan Jones, late chaplain of the First Regiment of Indian Home Guards, and James McDaniel, late captain of the Second Regiment of Indian Home Guards.

In reply to your request for such information as the records of the department may afford pertinent to said bill, I beg to invite your attention to the inclosed report on the subject, dated the 21st instant, from the Adjutant-General, which is believed to contain the information desired.

Very respectfully, your obedient servant,

WM. E. CHANDLER,
Acting Secretary of War.

Hon. S. B. MAXEY,
Of Committee on Military Affairs, United States Senate.

EXHIBIT B.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, D. C., July 21, 1882.

SIR: I have the honor to submit herewith letter of the Hon. S. B. Maxey, of Committee on Military Affairs, United States Senate, inclosing a bill (S. 1267) to correct the Army record of certain officers of Indian Home Guards named therein, and request-

ing to be furnished with such information as the records may afford pertinent to the bill, and to report as follows:

Lewis Downing was mustered into service as lieutenant-colonel Third Regiment Indian Home Guards, to date from September 16, 1862. He is reported on the rolls of field and staff of the regiment to March 31, 1863, "present"; from March 21, 1863, to December 30, 1863, "absent on detached service at Washington, D. C."; from December 30, 1863, to June 30, 1864, "absent without leave since December 30, 1863, at Washington, D. C.," and from June 30, 1864, to muster-out of regiment, March 25, 1865, "present, under arrest at Fort Gibson, C. N., since August 30, 1864."

Evan Jones is reported on the rolls of field and staff of the First Regiment Indian Home Guards, as enrolled May 12, 1862, and as chaplain from the date of the organization of the regiment, May 22, 1862, but there is no evidence of his muster-in as such. He is reported on rolls of field and staff of the regiment to June 30, 1862, "present," and from June 30, to August 31, 1862, "absent, leave of absence." His name is dropped from August 31, 1862, to roll for May and June 1863, when it again appears with remark, "taken up on rolls by order of Colonel Phillips, having been dropped without authority by Adjutant Gelpatrick. Absent on detached service by Special Orders 73." From July 1, 1863, to January 31, 1864, he is reported "absent by orders from Headquarters Department Missouri, Special Orders No. 73, since February 28, 1863," and subsequently reported "absent without leave since January 20, 1864."

James McDaniel was mustered into service as captain Company A, Second Regiment Indian Home Guards, to date from June 22, 1862. He is reported on rolls of company to February 28, 1863, "present"; from March 1, 1863, to December 31, 1863, "absent on detached service since March 5, 1863"; from January 1, 1864, to August 31, 1864, "absent without leave since January 1, 1863"; roll for September and October 1864, "present, in arrest, by order of Colonel Wattles, commanding Indian brigade, since October 10, 1864," and subsequently reported "absent without leave since January 1, 1863."

Attention is invited to the following copy of a report from this office, dated June 14, 1864, which embraces the facts in the cases of these officers up to that date:

"WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
June 14, 1864.

"Respectfully submitted to the Secretary of War.

"In accordance with Special Orders No. 60, Headquarters District of Kansas, Fort Leavenworth, Kans., March 25, 1863, issued by Major-General Blunt, Lieutenant-Colonel Downing, Captain McDaniel, and Chaplain Jones, of the Indian Home Guards, came to this city as a delegation from the Cherokee Nation. When they arrived they made claim for pay. The claim was brought to the attention of the Secretary, who declined issuing any order for their payment, and decided that the order of General Blunt was irregular, and ordered his pay to be stopped for the amount of their expenses in coming to this city. It was reported by the Quartermaster-General that transportation had not been furnished by the United States; the stoppage was therefore removed.

"The claim for pay was made in June, 1863, and it was presumed that, upon the same being disallowed, that the officers had returned to their commands.

"It appears, however, that they are still in this city, but under what authority is not known to this office. They are now reported absent without leave. (A. 478, V. S., 1864, herewith.)

"Since the refusal, in the first instance, of the War Department to pay them, a like refusal through the Secretary of the Interior has been made. They have also applied repeatedly, through claim agents and other parties, but refusal has been the result.

"Their claim at this time will amount to about \$7,255, and it is recommended that, instead of its being recognized and allowed, the parties be mustered out of service as of the date (March 25, 1863) they were ordered to this city by Major-General Blunt.

"Their connection with the military service will thus cease, and for the long time (nearly fifteen months) they have rendered no military service to the government they will be deprived of pay.

"THOMAS M. VINCENT,
"Assistant Adjutant-General."

January 23, 1865, the attorney in the cases called the attention of the department to the fact that no action had been taken on the recommendation of the Adjutant-General, as made in his report of June 14, 1864. Thereupon, by direction of the Secretary of War, Lieut. Col. Lewis Downing, Chaplain Evan Jones, and Capt. James McDaniel were mustered out and discharged the service on February 7, 1865, in special orders from this office, to date March 25, 1863, the date they were irregularly ordered to Washington, D. C., by Major-General Blunt.

I am, sir, very respectfully, your obedient servant,

R. C. DRUM,
Adjutant-General.

The Hon. the SECRETARY OF WAR.

(A. 478, V. S., 1864.)

HEADQUARTERS OF THE ARMY,
Washington, June 6, 1864.

SIR: By direction of Major-General Halleck, chief of staff, your attention is called to the following extract from inspection report of district of the frontier for month of April, 1864, viz:

* * * * *

Officers absent without authority.

Lient. Col. Lewis Downing, Third Indian Home Guards, since December 30, 1863.

* * * * *

Chaplain Evan Jones, First Indian Home Guards, since January 24, 1864.

Capt. James McDaniel, Second Indian Home Guards, since January 1, 1864.

Very respectfully, your obedient servant,

ROBERT N. SCOTT,
Captain Fourth U. S. Infantry, A. D. C.

ADJUTANT-GENERAL, U. S. ARMY.

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