

IN THE SENATE OF THE UNITED STATES.

MARCH 18, 1892.—Ordered to be printed.

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

REPORT:

[To accompany S. 2481.]

The Committee on Military Affairs, to whom was referred the bill (S. 2481) to place Dunbar R. Ransom on the retired list of the Army, have had the same under consideration and submit the following report:

Dunbar R. Ransom served over seventeen years as an officer in the Army. His record, as set forth in the report of the Adjutant-General of the Army, is one of great brilliancy, showing that he was in twenty-four battles and many minor engagements. He had been brevetted three times for "gallant and meritorious services," and had in every way proven himself to be not only a gallant but a faithful and efficient officer. Following the close of the war his services covered a large part of the country. In one year (1869) he was stationed with his battery in four different places. Constant moving from points widely separated, and the transportation of his family and household effects, caused him to go into debt. In the meantime he had borrowed money, but these frequent and expensive changes of station had embarrassed him and he was unable to pay the money he had borrowed. In September, 1872, he was tried by court-martial upon charges which involved the borrowing of money from a private soldier. The charge was not denied by Capt. Ransom. The sum was \$275, a part of which had been paid; but it appears from the sentence of the court-martial that the offense on the part of Capt. Ransom in borrowing money from a private soldier was too great to be palliated. He was dismissed the service December 20, 1872, and thus suffered an injustice which has broken him in health. He is now over 60 years of age, entirely dependent upon his own exertions. He has borne his unmerited disgrace all these years, and his conduct has been exemplary.

The debt which he contracted, and which he never denied, and for which he was court-martialed, has long been paid. In the old days when persons were imprisoned for debt, and Fleet-street prison was crowded full to overflowing, no person then suffered greater punishment than has been imposed upon Capt. Ransom by the court-martial which blighted a career which had been brilliant and full of promise. Capt. Ransom came of a military family. His father, Col. Trueman B. Ransom, was

killed at the head of his regiment, the Ninth United States Infantry, in storming the heights of Chapultepec. His brother, Gen. T. E. G. Ransom, one of the most gallant and efficient volunteer officers in the late war, remained with his corps, commanded it when he should have been in the hospital, and died while he was being carried on a stretcher in the march of the Army to Rome, Ga.

The case of Capt. Ransom has once before had the attention of this committee. In the Forty-sixth Congress the late Senator Logan made a favorable report (No. 146) which ably reviews the whole case and particularly the action of the court-martial. That report is herewith appended. Also the record of Capt. Ransom and a memorandum which explains itself. It is recommended that this bill pass.

[Senate Report No. 146, Forty-six Congress, second session.]

The Committee on Military Affairs, to whom was referred Senate bill No. 390, authorizing the President to restore Capt. Dunbar R. Ransom to his former rank in the Army, having had the same under consideration, beg leave to report that they have carefully examined the papers referred with the bill, and find that Dunbar R. Ransom was a captain in the Third Artillery, United States Army; that on the 23d day of October, 1872, he was arraigned before a military court-martial, at the city of New York, charged—

1st. With conduct unbecoming an officer and gentleman in violation of the 83d Article of War.

2d. Conduct to the prejudice of good order and military discipline in violation of the 99th Article of War.

The specifications to both charges are substantially as follows: On the 14th day of May, 1867, Capt. Ransom, then stationed at Fort Sullivan, in the State of Maine, borrowed from one John H. Sanborn, then the hospital steward at that fort, the sum of \$275, thereby placing himself under pecuniary obligations to said Sanborn. That said Capt. Ransom had paid of said loan the sum of \$73.45 only, and that he had neglected to pay the residue of said loan when the same was demanded of him; but did by several letters written from Fort Pulaski, in Georgia, ask the indulgence of Sanborn; also his pardon for his delay in payment; also charging him with intent to deceive and fraudulently avoid the payment of the same.

Upon the trial of Capt. Ransom on these charges and specifications, the court found him guilty of all and sentenced him "to be dismissed the service of the United States."

The committee are of opinion, after carefully examining all the evidence adduced, that the court erred in its findings as well as the law of the case. The evidence adduced on the trial, as disclosed by the transcript of the proceedings of the court, now before the committee, shows that Capt. Ransom was, at the time he borrowed the money, under orders from his superiors to proceed to Fort Laramie, then Dakota, and that he made the loan for the purpose of defraying his expenses in obeying that order. It is also shown that he gave Sanborn his promissory note for the sum borrowed, payable on demand with interest at 6 per cent. From the whole evidence adduced on the trial, the transaction was one of purely a private nature between individuals competent in all respects, though one was an officer and the other a private. There is no evidence even tending to show that Ransom practiced any fraud or deceit in obtaining the loan, nor is there any circumstance attending the negotiation of the loan from which the slightest inference can be drawn that Capt. Ransom had any other intention than that of repaying the money borrowed when called upon; indeed, that is not charged.

Your committee are not aware that it is a crime, in either civil or military life, for a debtor who has contracted, honestly and in good faith, a debt which, by reason of misfortune, unforeseen accident, or mistaken business management, he fails to pay at the appointed time; certainly not such as to incur so severe a penalty as that inflicted upon Capt. Ransom in this case.

It appears from the testimony of the principal prosecuting witness, Sanborn, that when he loaned the money to Ransom he stated that he would not require its return until the following October (page 15 of the transcript.) He also testifies, on page 18, that he did not write to the captain on the subject of the loan until after the re-

ceipt by him of the \$75 remittance, some time in March, 1868. So it will be seen that this payment was made by Ransom without any demand by Sanborn.

The gravamen of the charge, if it can be dignified as such, and the finding and decision of the court, seem to rest upon the idea that Ransom, by his letters to Sanborn, in which he stated that his pay had been stopped for a long time, sought to deceive Sanborn. Whatever would have been the legal effect had that been true, it is clearly shown by the testimony of Hamilton Maxwell, clerk in the Pay Department at Washington, D. C., that Capt. Ransom's pay proper was stopped from November 1, 1868, to December 31, 1869, and for part of the month of January, 1870. The letter referred to was written September 24, 1870. (Transcript, p. 60.) So it will be seen that the charge and specification of the accused making false representations to avoid payment are utterly disproved by the evidence of the prosecuting witnesses. Your committee are of opinion that a great wrong has been done Capt. Ransom, who for seventeen years preceding this event had served his country faithfully and without blemish on his character, and therefore report the bill back with an amendment, and recommend its passage.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, February 27, 1892.

Statement of the military service of Dunbar R. Ransom, late of the United States Army, compiled from the records of this office.

He was a cadet at the U. S. Military Academy from July 1, 1847, to September 30, 1850, upon which date he resigned.

He was appointed—

Second lieutenant Third Artillery, June 7, 1855.

First lieutenant Third Artillery, December 31, 1856.

Captain Third Artillery, November 1, 1861.

Dismissed December 20, 1872.

He was breveted major December 13, 1862, "for gallant and meritorious services at the battle of Fredericksburg, Va.; lieutenant-colonel, July 3, 1863, for gallant and meritorious services in the battle of Gettysburg, Pa.," and colonel August 25, 1864, "For gallant and meritorious services in action at Kearneysville, Va."

SERVICE.

He joined his regiment August 1, 1855, and served with it in California to October, 1856; in Washington Territory to November, 1857; in California to June, 1858; in Washington Territory (when he took part in an expedition against hostile Indians in 1858, and was engaged in the battle of Four Lakes, September 1, 1858) to June, 1859; en route to and with his battery at Fort Ridgely, Minn., to April, 1861; in the defenses of Washington, D. C., to October, 1861; in the Department of the South to June, 1862; commanding Battery C, Fifth Artillery, and commanding a brigade of artillery in the Army of the Potomac to July 2, 1863, when he was severely wounded in the battle of Gettysburg, Pa.; absent on account of his wounds to September, 1863; commanding his battery in the Army of the Potomac to August, 1864; in the Middle Military Division to the close of the late war; in Maryland and District of Columbia to October, 1865; at St. Louis, Mo., to November, 1865; in garrison at Fort Sullivan, Me., to April, 1867; at Fort McPherson, Nebr., to May, 1868; at Fort Kearney, Nebr., to January, 1869; at Fort Adams, R. I., to February, 1869; at Fort Macon, N. C., to March, 1869 and at Fort Pulaska, Ga., to September 26, 1872; in arrest, undergoing trial by general court-martial and awaiting promulgation of proceedings thereof until he was dismissed by general court-martial orders, No. 46, Adjutant-General's office, December, 20, 1872, (copy herewith).

During the late war he participated in the following-named engagements: First Bull Run, Secessionville, S. C., Second Bull Run, South Mountain, Antietam, Fredericksburg, Chancellorsville, Gettysburg, Kilpatrick's raid to Richmond, Mechanicsville, Wilderness, Hanover Court House, Ashland, Bethesda Church, White House, Winchester, Kearneysville, Front Royal, Woolpert's Cross Roads, Shepherdstown, Smithfield, Laurel Hill, Cedar Creek, Mount Jackson, and many other minor engagements.

J. C. KELTON,
Adjutant-General.

A statement explaining the matter of stoppage of Capt. Ransom's pay, 1868-1872, is annexed hereto.

Memorandum in stoppage of pay of Capt. Dunbar R. Ransom, Third Artillery.

A deficiency was found in subsistence stores at Fort McPherson, Nebr., for which First Lieut. H. Meinell, acting commissary subsistence, Third Artillery, was responsible, in September, 1868, by a board of survey (811 S., 1868). The deficiency amounted to \$1,761.48, and was due to theft by civilians in the vicinity.

October 31, 1868, the Secretary of War directed that Lieut. Meinell, as well as the commanding officer of the post, have their pay stopped until the United States be reimbursed, the Adjutant-General having reported that the post commander shared in the responsibility by reason of neglect of duty.

By paragraph 1, Special Orders 263, November 3, 1868, the stoppage was made against Col. I. N. Palmer, Second Cavalry, as post commander, and Lieut. Meinell, Third Artillery, as acting commissary subsistence in charge of stores.

But it appearing that Col. Palmer did not command the post at the time of the theft, this order was revoked by paragraph 8, Special Orders 268, November 9, 1868, and the responsibility placed on Lieut. Col. H. W. Wessells, Eighteenth Infantry, and Capt. D. R. Ransom, Third Artillery, as post commanders, and Lieut. Meinell as acting commissary subsistence.

The pay of the above-named post commanders was stopped "proportionate to the length of time each was commanding officer of the post" (1384 Missouri Division, 68).

Lieut. Col. Wessells having produced satisfactory evidence that he did not command the post at the time of the theft, was relieved from the stoppage by paragraph 6, Special Orders 37, February 13, 1869 (62 S., 1869).

It appearing from the report of the Paymaster-General, dated October 9, 1872, that Capt. Ransom had paid about half of the stoppage, viz, \$880.23, and that Lieut. Meinell had also paid some \$600 on that account, and that the latter had resigned, Capt. Ransom was, by order of the Secretary of War, relieved from the remainder of the sum (\$80.46) charged against him by paragraph 2, Special Orders 309, November 29, 1872 (4082 Adjutant-General's Office, 1872).

The records of this office fail to show on *what date* Capt. Ransom completed the payment of the \$880.23 above referred to. Neither do they furnish any information respecting any payments made to him by the Paymaster-General between September, 1868, and November, 1872.

In March, 1872, the Paymaster-General made inquiry as to the stoppage and was informed, March 29, 1872, by letter, Adjutant-General's Office, that it had not then been removed.