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CORRESPONDENCE RELATIVE TO CONSTRUCTION OF ACT OF
MARCH 4, 1917, RELATING TO TEXAS RANGERS

FURNISHED THE

COMMITTEE ON PENSIONS

OF THE

HOUSE OF REPRESENTATIVES

SIXTY-FIFTH CONGRESS

SECOND SESSION

APRIL 11, 1918



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CORRESPONDENCE RELATIVE TO CONSTRUCTION OF ACT OF
MARCH 4, 1917, RELATING TO TEXAS RANGERS.

STATE OF TEXAS,
ADJUTANT GENERAL'S DEPARTMENT,
Austin, April 4, 1918.

HON. JOHN N. GARNER,
House of Representatives, Washington, D. C.

MY DEAR MR. GARNER: Inclosed herewith letter to Mr. Saltzgaber, which will explain the delay in verifying claims.

As soon as Mr. Saltzgaber answers my letter the matter will be given prompt attention.

Kindly return the inclosed when same has served its purpose.

Yours, truly,

JAS. A. HARLEY,
Adjutant General.

MARCH 27, 1918.

HON. G. M. SALTZGABER,
Commissioner of Pensions, Washington, D. C.

DEAR SIR: Receipt is acknowledged of your letter of the 28th ultimo relative to Texas Ranger pensions under the act of March 4, 1917.

You state in your letter that it is absolutely essential, for the purpose of determining the title of these rangers to pension under the act of March 4, 1917, to know the precise character of the service rendered by each individual organization. Upon examination of most of the muster rolls in this office I do not find any indorsement as to the character of the service rendered, therefore on my reports to you I have placed the word "None" opposite the word "Campaigns."

When Mr. A. K. Meek, your special examiner, was here in Austin we agreed on a mimeograph form that I should make my reports on, and he took same to you for your approval, and I believe that it was satisfactory to you, and the word "Stations" was not placed on same.

When Mr. Meek was here examining these old muster rolls he would always make a note on his report of the station of each organization. Now, if Mr. Meek has made this note on his report, why is it necessary for me to make the same report?

I am inclosing a form of report used by me. Kindly examine same and make necessary corrections and send back to me and I will verify these claims to the best of my ability.

Yours, very truly,

DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS,

Washington, February 28, 1918.

The ADJUTANT GENERAL OF THE STATE OF TEXAS,
Austin, Tex.

SIR: In claims for pension under the act of March 4, 1917, based on the service of Texas Rangers, this bureau has called upon you in a number of instances to furnish military histories, and in its request for such histories it has asked for a statement of "the soldier's full military history, his stations and period of service, and against what Indians or in what war or campaign his service was rendered." It is absolutely essential, for the purpose of determining the title of these rangers to pension under the act of March 4, 1917, to know the precise character of the service rendered by each individual organization.

You are requested to let your reports—which, of course, must be taken from muster rolls only—show whether the service reported was in defense of the frontier against Indian depredations or against marauding Indians or Mexicans or for other purposes. A number of reports heretofore furnished by you are being returned for this specific information. Whenever a muster roll bears an indorsement showing the service performed, please let your reports taken from that muster roll show the exact wording of the indorsement; and whenever such rolls show the stations of the company or of individual members of the company, you are requested to make this information a part of your report.

An early acknowledgment of this letter will be appreciated.

Very respectfully,

G. M. SALTZGABER,
Commissioner.

DEPARTMENT OF THE INTERIOR,

BUREAU OF PENSIONS,

Washington, April 9, 1918.

HON. JOHN N. GARNER,
House of Representatives.

MY DEAR MR. GARNER: In response to your telephonic inquiry of yesterday concerning the status of the Texas Rangers under the provisions of the act of March 4, 1917, I have the honor to inform you that it appears that you are more keenly interested in the claims of those of the Texas volunteers who served prior to January 1, 1861.

Under the act of May 30, 1908, service under the following officers during the periods indicated was held to be pensionable: Capt. Nat Benton, September 15 to October 15, 1855; Capt. James Borland, October 28, 1858, to January 28, 1859, and January 28, 1859, to April 28, 1859; Capt. John Henry Brown, June 28, 1859, to September 12, 1859; Capt. J. H. Callahan, July 20, 1855, to October 19, 1855; Lieut. Thomas K. Carmack, December 14, 1857, to March 14, 1858; Lieut. John H. Connor, December 2, 1857, to March 2, 1858; Capt. Levi English, August 6, 1855, to November 13, 1855; Capt. John S. Ford, January 10, 1858, to August 10, 1858, and November 10, 1858, to May 10, 1859; Lieut. Thomas C. Frost, December 21,

1857, to March 21, 1858; Capt. William R. Henry, September 15, 1855, to October 15, 1855; Lieut. John S. Hodges, December 14, 1857, to March 14, 1858; Lieut. William N. P. Marlin, July 15, 1858, to November 15, 1858; Capt. G. H. Nelson, October 10, 1857, to December 28, 1857; Lieut. William G. Preston, April 20, 1858, to June 30, 1858; Capt. William G. Tobin, October 12, 1855, to November 15, 1855; Capt. William Tom, October 18, 1855, to November 15, 1855; Lieut. John Williams, May 24, 1858, to July 24, 1858.

It is not practicable to state at this time what companies have been held or will be held to be pensionable under the provisions of the act of March 4, 1917.

You will note instantly that the two acts (the act of May 30, 1908, and the act of March 4, 1917) are very different in many respects. Under the provisions of the act of May 30, 1908, pension was granted "to the surviving officers and enlisted men of the Texas volunteers who served in the defense of the frontier of that State against Mexican marauders and Indian depredations, from the year 1855 to the year 1860, inclusive; * * * *Provided further*, That where there is no record of enlistment or muster into the service of the United States in the service mentioned in this act, the fact of reimbursement to Texas by the United States, as evidenced by the muster rolls and vouchers on file in the War Department, shall be accepted as full and satisfactory proof of such enlistment and service. * * *"

To have title under the act of May 30, 1908, it was necessary to show that the State of Texas was reimbursed for the service claimed and that such service was in defense of the frontier against Mexican marauders and Indian depredations. The bureau, after duly considering all of these points, held that service in the companies hereinbefore listed was within the scope of the act of May 30, 1908. But the act of March 4, 1917, is entirely different. It is therein provided that pension be granted "to the surviving officers and enlisted men of the Texas volunteers who served in defense of the frontier of that State against Indian depredations from January 1, 1859, to January 1, 1861, inclusive, and from the year 1866 to the year 1877, inclusive, * * * *Provided further*, That where there is no record of enlistment or muster into the service of the United States in any of the wars mentioned in this act, the record of pay by the United States shall be accepted as full and satisfactory proof of such enlistment and service. * * * That the period of service performed by beneficiaries under this act shall be determined by reports from the records of the War Department, where there is such a record, and by the reports from the records of the Treasury Department showing payment by the United States where there is no record of regular enlistment or muster into the United States military service: *Provided*, That when there is no record of service or payment for same in the War Department or Treasury Department, the applicant may establish the service by satisfactory evidence from the muster rolls on file in the several State or Territorial archives. * * *"

The first difference noted is that the act of March 4, 1917, provides pension for service in protection of the frontier against Indian depredations only, and not against Mexican marauders. It is therefore held that this bureau can not pass favorably upon any claim of one who served in the Texas volunteers unless it be shown by com-

petent evidence that the service rendered was for the purpose named in this act.

So far as the bureau has been able to determine, none of the companies which served between 1859 and 1861 was ever mustered into the United States service, and therefore no information concerning them is obtainable from the War Department. It further appears that all the companies on account of whose service the State of Texas has been reimbursed for service during this same period have been held to be pensionable under the provisions of the act of May 30, 1908, which leaves before the bureau only such claims as are made on account of service of organizations for which the State of Texas has never been reimbursed.

The act of March 4, 1917, provides that "the applicant may establish the service by satisfactory evidence from the muster rolls on file in the several State or Territorial archives." The wording of the act would indicate that the claimant must not only establish the date of enlistment and the date of discharge by the muster rolls on file in the State or Territorial archives, but also that the service was for the purpose named in the act.

On February 28, 1918, this bureau wrote the adjutant general of Texas the following letter:

In claims for pension under the act of March 4, 1917, based on the service of Texas rangers, this bureau has called upon you in a number of instances to furnish military histories, and in its request for such histories it has asked for a statement of "the soldier's full military history, his stations and period of service, and against what Indians or in what war or campaign his service was rendered." It is absolutely essential, for the purpose of determining the title of these rangers to pension under the act of March 4, 1917, to know the precise character of the service rendered by each individual organization.

You are requested to let your reports (which, of course, must be taken from the muster rolls only) show whether the service reported was in defense of the frontier against Indian depredations or against marauding Indians or Mexicans or for other purposes. A number of reports heretofore furnished by you are being returned for this specific information. Whenever a muster roll bears an indorsement showing the service performed, please let your reports taken from that muster roll show the exact wording of the indorsement; and whenever such rolls show the stations of the company or of individual members of the company, you are requested to make this information a part of your report.

An early acknowledgment of this letter will be appreciated.

You have in your possession Gen. Harley's response to this communication. You will note that he says: "Upon examination of most of the muster rolls in this office, I do not find any indorsement as to the character of the service rendered, therefore on my reports to you I have placed the word 'none' opposite the word 'campaigns.'" You will also note what Gen. Harley says with regard to stations. An examination of the report of Mr. Meek, the special examiner referred to by the general, discloses that his indorsements as to campaigns and stations are almost in every instance confined to the following: "Fighting Indians," "Indians in county," "Indians in adjoining county," and "Frontier defense." And even these meager indorsements appear upon a very few of Mr. Meek's individual reports on each of the 509 muster rolls examined by him. It can hardly be said that any of these remarks bring the service reported within the provisions of the act, i. e., "defense of the frontier of Texas against Indian depredations. For indorsement "Fighting Indians" does not show that the fighting was in defense of the fron-

tier; indorsements "Indians in county" and "Indians in adjoining county" do not show that the Indians were fought at all, or that, if they were fought, it was in defense of the frontier; and indorsement "Defense of the frontier" does not show that Indians were the persons against whom the frontier was defended. Certainly where the muster rolls are silent as to what the company did or as to its stations, the bureau can hardly presume that it rendered the service required to give title to the benefits of this legislative act, which is very specific as to the requirements for title thereunder.

The bureau has been slow to reject many of these claims, because it has been exhausting every source of information which might aid in getting sufficient evidence to warrant favorable action.

Very truly, yours,

E. C. TIEMAN,
Acting Commissioner.

An Act To pension the survivors of certain Indian wars from January first, eighteen hundred and fifty-nine, to January, eighteen hundred and ninety-one, inclusive, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions, limitations, and benefits of an Act entitled "An Act granting pensions to survivors of the Indian wars of eighteen hundred and thirty-two to eighteen hundred and forty-two, inclusive, known as the Black Hawk War, Creek War, Cherokee disturbances, and the Seminole War," approved July twenty-seventh, eighteen hundred and ninety-two, as amended on February nineteenth, nineteen hundred and thirteen, be, and the same are hereby, extended from the date of the passage of this Act to the surviving officers and enlisted men of the Texas volunteers who served in defense of the frontier of that State against Indian depredations from January first, eighteen hundred and fifty-nine, to January first, eighteen hundred and sixty-one, inclusive, and from the year eighteen hundred and sixty-six to the year eighteen hundred and seventy-seven, inclusive, and to the surviving officers and enlisted men, including militia and volunteers of the military service of the United States, who have reached the age of sixty-two years, and who served for thirty days in the campaign in southern Oregon and Idaho and northern parts of California and Nevada from eighteen hundred and sixty-five to eighteen hundred and sixty-eight, inclusive; the campaign against the Sioux in Minnesota and the Dakotas in eighteen hundred and sixty-two and eighteen hundred and sixty-three, and the campaigns against the Sioux in Wyoming in eighteen hundred and sixty-five to eighteen hundred and sixty-eight; to the following organizations of the First Regiment Nebraska Militia engaged in fighting Indians and guarding United States mails on the western frontier: Company A, First Regiment, First Brigade Nebraska Militia, who served from August thirtieth, eighteen hundred and sixty-four, to November twelfth, eighteen hundred and sixty-four; Company B, First Regiment Nebraska Militia, who served from August thirteenth, eighteen hundred and sixty-four, to February thirteenth, eighteen hundred and sixty-five; Company C, First Regiment, Second Brigade Nebraska Militia, who served from August twenty-fourth, eighteen hundred and sixty-four, to February seventh, eighteen hundred and sixty-five; to Captain Edward P. Childs's artillery detachment, Nebraska Militia, who served from August thirtieth, eighteen hundred and sixty-four, to November twelfth, eighteen hundred and sixty-four; and Company A, First

Regiment, Second Brigade Nebraska Militia, who served from August twelfth, eighteen hundred and sixty-four, to December twenty-fourth, eighteen hundred and sixty-four; the campaign against the Cheyennes, Arapahoes, Kiowas, and Comanches in Kansas, Colorado, and Indian Territory from eighteen hundred and sixty-seven to eighteen hundred and sixty-nine, inclusive; the Modoc War of eighteen hundred and seventy-two and eighteen hundred and seventy-three; the campaign against the Apaches of Arizona and New Mexico, or either of them, in eighteen hundred and seventy-three; the campaign against the Kiowas, Comanches, and Cheyennes in Kansas, Colorado, Texas, Indian Territory, and New Mexico in eighteen hundred and seventy-four and eighteen hundred and seventy-five; the campaign against the Northern Cheyennes and Sioux in eighteen hundred and seventy-six and eighteen hundred and seventy-seven; the Nez Perce War of eighteen hundred and seventy-seven; the Bannock War of eighteen hundred and seventy-eight; the campaign against the Northern Cheyennes in eighteen hundred and seventy-eight and eighteen hundred and seventy-nine; the campaigns in the Black Hawk Indian war in Utah from eighteen hundred and sixty-five to eighteen hundred and sixty-seven, inclusive; the campaign against the Ute Indians in Colorado and Utah, from September, eighteen hundred and seventy-nine, to November, eighteen hundred and eighty, inclusive; the campaign against the Apache Indians in Arizona and New Mexico, or either of them, in eighteen hundred and eighty-five and eighteen hundred and eighty-six; and the campaign against the Sioux Indians in South Dakota, from November, eighteen hundred and ninety, to January, eighteen hundred and ninety-one, inclusive: and also to include the surviving widows of said officers and enlisted men who shall have married said survivor prior to the passage of this Act: *Provided*, That such widows have not remarried: *Provided further*, That this Act shall extend also to the surviving officers and enlisted men of the organization known as Tyler's Rangers, recruited at Black Hawk, Colorado, eighteen hundred and sixty-four, for services against the Indians: *Provided further*, That if any certain one of the said campaigns did not cover a period of thirty days, the provisions of this Act shall apply to those who served during the entire period of said campaign: *Provided further*, That where there is no record of enlistment or muster into the service of the United States in any of the wars mentioned in this Act, the record of pay by the United States shall be accepted as full and satisfactory proof of such enlistment and service: *And provided further*, That all contracts heretofore made between the beneficiaries under this Act and pension attorneys and claim agents are hereby declared null and void.

SEC. 2. That the period of service performed by beneficiaries under this Act shall be determined by reports from the records of the War Department, where there is such a record, and by the reports from the records of the Treasury Department showing payment by the United States where there is no record of regular enlistment or muster into the United States military service: *Provided*, That when there is no record of service or payment for same in the War Department or Treasury Department, the applicant may establish the service by satisfactory evidence from the muster rolls on file in the several

State or Territorial archives: *And provided further*, That the want of a certificate of discharge shall not deprive any applicant of the benefits of this Act.

SEC. 3. That the provisions of section forty-seven hundred and sixteen of the Revised Statutes shall not apply to applicants for pension under this Act.

Approved, March 4, 1917.



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WERT BOOKBINDING

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Grantville, PA.

