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Claim of Kansas. Statement in reference to the claim of the State of Kansas, for indemnification for expenses incurred in the support of her militia during the rebel invasion in 1864. (To accompany bill H.R. no. 112.)

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CLAIM OF KANSAS.

STATEMENT

IN REFERENCE TO

THE CLAIM OF THE STATE OF KANSAS,

FOR

Indemnification for expenses incurred in the support of her militia during the rebel invasion in 1864.

[To accompany bill H. R. No. 112.]

MARCH 15, 1869.—Referred to the Committee on Military Affairs and ordered to be printed.

WASHINGTON, D. C., March 1, 1866.

To the honorable Committee on Military Affairs of the Senate, Congress of the United States:

GENTLEMEN: Having been appointed an agent by an act of the legislature of the State of Kansas, approved January 30, 1866, to secure indemnity by the general government to the State of Kansas for expenses and debts incurred in the support of her "militia" in repelling rebel invasion by the forces under Price in 1864, I have the honor to submit the following statement of facts, explaining, in as short and succinct manner as possible, the nature and amount of these claims.

Very respectfully, your obedient servant,

T. J. ANDERSON,
Adjutant General of Kansas.

In the fall of 1864 it became well ascertained that General Price, with a large rebel force, was moving upon Missouri, and general apprehension began to be manifested by the citizens of Kansas that either by choice he might march, or, from the force of circumstances, he might be driven across the State of Missouri and into Kansas, in order to make more safe his return to the south with the plunder it was reasonable to suppose he must obtain upon his route. After his movement against Pilot Knob, and the advance of his army to Franklin and Herman, and finally to Jefferson City, these apprehensions settled into convictions, and urgent appeals were made to the executive that he summon to the defence of the State, and the support of the Union forces concentrating to withstand the rebel advance, the militia of the State. The commander of the military department, Major General S. R. Curtis, representing the federal government, and understanding best the necessities of the country and

the feeling of the federal authorities, united in these appeals, as the following despatches will exhibit, for prompt and thorough action upon the part of the State authorities. Consequently, on the 8th day of October, 1864, the subjoined "proclamation," embracing the telegram of General Curtis, and accompanied by the order for muster and organization of Major General Deitzler, commanding State militia, was issued and promulgated with the utmost celerity to all portions of the State:

[Proclamation.]

STATE OF KANSAS, EXECUTIVE DEPARTMENT,
Topeka, October 8, 1864.

The State is in peril! Price and his rebel hosts threaten it with invasion. Kansas must be ready to hurl them back at any cost. The necessity is urgent. The extent of that necessity the subjoined communication from Major General Curtis to me will establish:

HEADQUARTERS DEPARTMENT OF KANSAS,
Fort Leavenworth, October 5, 1864.

The rebel forces under General Price have made a further advance westward, crossing the Gasconade, and are now at the railroad bridge, on the Osage, about 15 miles below Jefferson City. Large federal forces about St. Louis and below tend to drive him towards Kansas. Other motives also will induce his fiendish followers to seek spoils and vengeance in this State. To prevent this, and join in efforts to expel these invaders from the country, I desire that you will call out the entire militia force, with their best arms and ammunition, for a period of 30 days. Each man should be provided with two blankets or a buffalo robe for comfort, and a haversack for carrying provisions. No change of clothing is necessary. I want this force assembled on the border, mainly at Olathe, as soon as possible. For that purpose let farmers' teams, with provisions and forage, be employed to hurry them forward. I will do all in my power to provide provisions and public transportation, but I hope every man will be as self-sustaining as possible, and be ready to join me in privations, hardships and dangers, to aid our comrades in Missouri in destroying these rebel forces before they again desolate the fair fields of Kansas. It is necessary to suspend business and labor until we are assured our property and earnings are not within the grasp of unscrupulous marauders and murderers. Confidently believing, governor, that your excellency and all loyal citizens will concur with me in the propriety of this very important demand, and give me your hearty co-operation and assistance,

I have the honor to be your very obedient servant,

S. R. CURTIS,
Major General, Commanding Department.

His Excellency Governor THOMAS CARNEY.

UNITED STATES MILITARY TELEGRAPH,
Fort Leavenworth, October 8, 1864.

The line is now cut this side of Sedalia. This indicates a rebel move by some body west or south. Hurry up the militia.

S. R. CURTIS, Major General.

Governor CARNEY.

UNITED STATES MILITARY TELEGRAPH,
Fort Leavenworth, October 8, 1864.

To Gov. CARNEY: I request that you issue the call. Let the militia turn out. If not needed, they will of course be discharged. Their call and collection would enable us at least to give an impetus to Price's departure. In your prompt responses to my requests heretofore, I am sure we have saved the State from desolation. Let us do it now. The enemy is now near Sedalia, and a fight is expected there to night. They have burned Syracuse, Lamine and Otterville depots to day. You see, they seem moving steadily westward. Delay is dangerous.

S. R. CURTIS, Major General.

Kansans, rally! You will do so, as you have always promptly done when your soil has been invaded. The call, this time, will come to you louder and stronger, because you know the foe will seek to glut his vengeance upon you. Meet him then at the threshold; and strike boldly—strike as one man against him. Let all business be suspended. The work to be done now is to protect the State against marauders and murderers. Until that is accomplished, we must lead a soldier's life and do a soldier's duty.

Men of Kansas, rally! One blow, one earnest, united blow, will foil the invader and save you. Who will falter? Who is not ready to meet the peril? Who will not defend his home and State? To arms, then! to arms and the tented field, until the rebel foe shall be baffled and beaten back. Major General Deitzler will assume command of the brave men of Kansas, and issue the necessary orders.

THOMAS CARNEY,
Governor.

[General Orders No. —.]

HEADQUARTERS KANSAS STATE MILITIA,
Topeka, October, 9, 1864.

In pursuance of the proclamation of the commander-in-chief of the 8th instant, the militia of Kansas will turn out and rendezvous *immediately* at the points indicated below:

Doniphan, Brown, Nemaha and Marshall counties, at the city of Atchison, under Brigadier General Sherry.

Atchison, Leavenworth, Jefferson, Jackson, Pottawatomie, Riley, Davis, Wabaunsee, Shawnee, Douglas and Johnson counties, at Olathe, under Brigadier General M. S. Grant.

Wyandott county, at the city of Wyandott, under Major E. S. Hubbard. Miami, Franklin, Osage, Morris, and Lyon counties, at Paola, under Brigadier General Fishback.

Linn, Anderson, and Coffey counties, at Mound City, under Brigadier General S. N. Wood.

Bourbon, Allen, and Woodson counties, at Fort Scott, under Brigadier General J. B. Scott.

Commanders of brigades and regiments will promptly prepare their respective commands for active service for thirty (30) days, unless sooner discharged, and see that each man will bring two blankets, a tin-cup, knife and fork, a haversack; and also a coffee-pot and frying-pan for every five men. Let each regiment and detachment bring ample transportation and all the rations possible, but there must be no delay on any account. The general government will undoubtedly pay all proper charges for such transportation and supplies, and will furnish rations and forage at the points indicated in this order, as far and as soon as possible. Let each man come with such arms as are at hand and a full supply of ammunition. As the campaign will be a short one, no change of clothing will be necessary. Until further orders the headquarters will be at Olathe, to which point all returns and communications will be sent.

By order of Geo. W. Deitzler, major general Kansas State militia.

JOHN T. MORTON,
Assistant Adjutant General.

Never was an appeal for help answered so promptly. In most instances, on the next day, or the second day after the receipt of the proclamation at regimental headquarters, the regiment itself, in full force, was on the march for the rendezvous designated by the commanding general. And it was only in exceptional cases—where the regimental district embraced several counties in extent—that the third or fourth day was required before the command could take up its line of march.

On the 10th day of October the federal commander of the department,

deeming the emergency so great as to warrant the most thorough and even extraordinary proceedings, issued a proclamation, declaring martial law throughout the State, and calling into active service all not included in the governor's proclamation, between 18 and 60 years of age, and of whatever color.

What few had failed to respond to the call of his excellency rallied under this subsequent summons of the federal commander, not merely in obedience to a sweeping military order, as such, but from the simple fact that the necessity of their presence became apparent, and, in obedience to the dictates of duty and patriotism, the entire male population of the State capable of bearing arms rushed to the defence of the Commonwealth and the republic.

Twenty-four regiments and four battalions, numbering 13,412 men, promptly reported at the designated rendezvous, and subsequently, when the hour for the impending battle arrived, it found the large body of the militia of the State in the vicinity of Kansas City, Mo., Westport, and the Shawnee mission. The militia participated in the battles of Westport, Big Blue, Little Blue, and Hickman's Mills, and assisted the federal troops in vanquishing the large and powerful rebel army, without which assistance the results of the campaign would at least have been doubtful.

The enemy having been utterly routed, on the 27th of October the following proclamation was issued from the executive office, disbanding the militia, and thanking them for the prompt and unqualified manner in which they responded to the call, and the gallant and successful resistance made by them to the encroachment of the rebel army:

[Proclamation.]

EXECUTIVE DEPARTMENT,

Topeka, Kansas, October 27, 1864.

No invader's foot treads the soil of Kansas. Price and his robber horde have fled ingloriously before our heroic soldiery. I congratulate you. It is cause for congratulation to the State and to the country, for the defeat of the marauders is sweeping and complete. Commanders of brigades, regiments, battalions and companies will march their respective commands to the counties to which they belong, and there disband them, making a careful record of the term of service of each man, and see to it *especially* that proper receipts are given for all property taken or received while in the field or on their march homeward, so that each man may obtain pay for all services rendered or means furnished during the time the militia of the State have been in active service.

All claims arising for forage, subsistence, transportation, and fuel under the proclamation of October 8, 1864, from these headquarters, calling into active service the militia of the State, will, by direction of Major General Curtis, be presented to Major General Deitzler for adjustment under such rules and regulations as he may prescribe for payment by the general government.

THOMAS CARNEY,

Governor and Commander-in-Chief.

A full and detailed statement of the services of the militia is contained in the adjutant general's report of the State of Kansas for the year 1864, page 46-76, a copy of which is herewith transmitted.

By an act of the legislature, entitled "An act to provide for the expenses of the militia and for the payment of claims and damages arising out of the Price raid in 1864," approved February 10, 1865, the secretary of state, adjutant general, and attorney general, were declared a board of commissioners to examine, audit, and allow all just claims, properly authenticated, for services by the militia, &c. A copy of said act, together with the report of the board of commissioners, is herewith transmitted, marked A.

The board has audited claims, not including damages to property, to

the amount of \$505,190 21. Certificates have been issued for a portion of this amount, and will be issued for the balance in due time. These certificates are held by the citizens of the State, and the State from her own resources will be unable to pay them for years to come.

T. J. ANDERSON,
Adjutant General of Kansas.

WASHINGTON, D. C., *March 19, 1866.*

SIR: At the request of Hon. S. J. Crawford, governor of Kansas, I have the honor to submit, for the consideration of your committee, the following statement relative to the calling out and supplying the militia forces of Kansas in the fall of 1864 to act in conjunction with the regular forces in operating against the rebel army under command of General Sterling Price.

About the 1st of October, 1864, I was ordered in from the plains to relieve Major General George Sykes in the command of the district of South Kansas, (department of Kansas,) and on the 10th day of said month did, by order of Major General Curtis, (commanding department,) assume command of said district, and of the troops in the field, in the campaign against the rebel army under Price.

It was understood that Price's command, with which he was moving westward, on the line of the Missouri river, numbered over 20,000, which estimate subsequently proved correct. To meet this large force there was not to exceed 3,500 volunteer troops in my district, and none that could be concentrated there from any other point as soon as they would be required; therefore the only means of obtaining sufficient force for operations against the enemy was in calling out the militia of the State. This was done by Major General Curtis, commanding the department, in general orders declaring martial law, and commanding all between the ages of 18 and 60 years to report immediately for duty. To this demand a prompt response was made, and during the campaign against Price that ensued all of the militia were at different times under my command, and participated in the series of battles from the 19th to the 28th of October. They were at all times, after they reported for duty, until discharged by the department commander, subject to the same rules and regulations and penalties as troops of the regular or volunteer army, and were at all times under the immediate control of federal officers.

After they reported to me, and whenever it was practicable to do so, they were furnished with subsistence, transportation, forage, and quartermaster's supplies, the same as in the case of other troops, by my staff commissary and quartermaster.

The greater part of the service rendered by these militia was not in Kansas, but in Missouri, five of the six engagements being fought in the latter State. They occupied the same status during the time they were under the orders of the federal officers as did other troops. They were called out to supply the place of regular troops that could not be procured to meet the emergency, and answered the call under great disadvantage and loss to themselves.

The claims presented to the government, included in the bill before your committee, in addition to payment for services while actually employed, are for subsistence, transportation, forage, and quartermaster's supplies, where these could not be furnished by officers of the commissary and quartermaster's department, as before stated, and for horses and other property lost in battle. When these irregular troops could

not be furnished with supplies or transportation by officers of the staff departments of the general government, their officers purchased or took from the citizens what was required, giving them memorandum receipts for the same, with an understanding that these receipts would be taken up and the accounts settled by officers of the general government for supplies for which the government had received full benefit.

After the campaign against Price was concluded, General Curtis, commanding the department, was about to take measures for the settlement of these claims for supplies and transportation, when, upon learning that Hon. James H. Lane (United States senator) had introduced a bill into Congress to provide for their adjustment, and upon assurances from General Lane that the bill would pass, nothing further was done by General Curtis in the matter, and these claims of the citizens of Kansas for supplies for the use and benefit of the general government still remain unsettled.

Very respectfully, your obedient servant,

JAMES G. BLUNT,

Late Major General United States Volunteers.

Hon. HENRY WILSON,

Chairman Committee on Military Affairs, United States Senate.

Report of the Board of Military Commissioners—Price's raid and Indian expedition, 1864.

AN ACT to provide for the expenses of the militia, and for the payment of claims and damages arising out of the Price raid in 1864.

Be it enacted by the legislature of the State of Kansas, That the secretary of state, adjutant general, and attorney general of the State are hereby declared a board of commissioners, whose duty it shall be to examine, audit, and allow all just claims, properly authenticated, for services by militia, supplies, and material and transportation furnished to or taken by said militia or the troops of the United States, damages to property done by the same, and demands of any character growing out of any transaction for the use or benefit of said militia or troops of the United States during the invasion, or attempted invasion, of the State by the rebel army under Price in the months of October and November, 1864, and the defence of the State against Indians during said year.

SEC. 2. Each and every claim shall be presented to said board before the first day of December next, under such regulations as may be prescribed by said board: *Provided,* That in addition to affidavit and corroborative proof of claim, the account shall be made in the same form of duplicate voucher as is used by the quartermaster and commissary departments of the United States.

SEC. 3. That the said board shall audit all claims for horses killed in battle, captured by the enemy, or unavoidably lost on account of the said campaign against Price, and in the months and year before named, including also all necessary and just expenses of militia called into service in the western part of the State in the expeditions against the Indians, under orders of General Curtis, in the months of July and August, including also claims for the transportation of troops or supplies of any and every kind, incident to the movements of the State forces aforesaid, including, also, damages to fences and real estate, destruction or consumption of crops and personal property; and that every such

claim or demand shall be that of citizens or actual residents of the State of Kansas at the time of said use, damage, or destruction.

SEC. 4. There shall be four classes of claims: 1st, for services rendered; 2d, for materials, supplies, and transportation furnished; 3d, for damages sustained; 4th, for miscellaneous claims. The classes of claims shall be made out separate from each other, and be thus considered and audited by the commissioners.

SEC. 5. All accounts for services shall set forth what services, under whose immediate command, and when they served; for material furnished they shall state what was furnished, the quantity, and to whom furnished, and the market value of the same when furnished; and for damages sustained, how the damages accrued, in what damaged, and the manner in which they estimate the damage; for miscellaneous claims, the nature of such claims.

SEC. 6. After said commissioners have audited and allowed to the claimant so much as in their judgment they shall deem right, they shall issue a certificate to such claimant in the language as follows, to wit—except in cases where persons have mustered on regular muster and pay-rolls for services rendered as militiamen, in which case those pay-rolls shall be considered as suitable vouchers, after having been properly certified to by the commanding officer of the regiment, battalion, or company: “The commissioners appointed under an act, (describe it), do find that there is due ———, for services rendered, \$—; for materials furnished, \$—, consisting of \$—; by damages sustained by reason of (here state nature,) \$—; for miscellaneous claims, (state nature,) \$—.” A separate certificate shall be given for each class of claims allowed.

SEC. 7. The secretary of state shall furnish said commissioners with all books, papers, and such blanks as shall be needed by said commissioners for the purposes mentioned in this act.

SEC. 8. The commissioners shall keep a careful record of all their acts, all testimony filed before them, their awards, and the amounts allowed, and shall complete their labors by the first of January next, and furnish a complete account of *all* the certificates issued by them, and to whom issued, and for what amount, and all such records, testimony, and accounts of the commissioners shall be filed with the auditor of state, and by him carefully preserved.

SEC. 9. Said commissioners shall appoint one clerk or more, with such allowance as they may deem necessary; and said clerks are hereby invested with power to administer oaths, with the view of facilitating the business before the board.

SEC. 10. It shall be the duty of the officers of the several companies of militia to make out in duplicate, and forward to the adjutant general, if not already forwarded, the muster and pay-rolls of their respective organizations, verified by affidavit as to the actual term of service thereof, in said Price raid and Indian expeditions; and the said commission shall allow to the officers, or persons acting as such, the same pay and allowances as are paid by the United States to commissioned officers of volunteers of similar rank, and to the privates, at the rate of \$16 per month and 40 cents per day additional for use and risk of horse, where private horses were furnished, and \$3 50 per month as commutation for clothing.

SEC. 11. The adjutant general of the State shall report to the governor the amounts thus found due in the same manner as the commissioners are required to certify to each person, to wit: the amount found due for services; the amount found due for material furnished; the amount found due for damages sustained; and the amount found due for miscellaneous claims; on receipt of which, the governor shall make a detailed state-

ment of the whole matter, together with such other matter as he may deem wise, and transmit the same, together with a certified copy of this act, through our senators and member of Congress, asking an appropriation for the payment of said claims.

SEC. 12. That this act shall take effect and be in force from and after its publication; and it shall be the duty of the secretary of state, immediately upon the approval of this act by the governor, to have a certified copy published once in the State Record, which shall constitute such publication.

Approved February 10, 1865.

S. J. CRAWFORD, *Governor.*

I hereby certify the foregoing to be a true copy of the enrolled law on file in my office, and that the same was published in the Topeka State Record, for February 13, 1865.

R. A. BARKER,
Secretary of State.

PRICE'S RAID.

Services rendered:

Amount due organized militia, as per pay and muster rolls now on file.....	\$146,753 03	
Amount due irregular militia, as per pay and muster rolls now on file.....	16,535 60	
Amount due colored militia, as per pay and muster rolls now on file.....	1,939 46	
	<hr/>	\$165,228 09

For material furnished:

Forage	37,400 92	
Subsistence	5,989 35	
Fuel	1,843 00	
Medicines and medical stores	739 69	
Stationery	216 95	
Camp and garrison equipage	6,090 64	
Blankets	27,187 04	
Ordnance stores.....	90 40	
	<hr/>	79,557 99

Transportation.....		14,688 05
		<hr/>
		259,474 13

Damage sustained:

Property taken or destroyed by public enemy, (Price)	83,875 08	
Property taken or destroyed by United States and Kansas State militia.....	2,829 75	
Damage by unknown troops of United States and militia.....	3,298 00	
Damage by unknown troops of United States and public enemy	1,748 00	
	<hr/>	91,750 83

Miscellaneous claims:

Property lost in action and taken by the enemy	32,288 50
Rent of company (militia) quarters.....	217 67

Printing quartermaster's vouchers	\$3 25	
Labor	178 35	
		<u>\$32,687 77</u>
Total.....		<u>383,912 73</u>

INDIAN EXPEDITION.

Services rendered:

Amount due organized militia as per day and muster rolls now on file.....	\$12,088 95
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Material furnished:

Forage.....	\$232 55	
Subsistence.....	490 40	
Fuel	18 00	
Medicines and medical stores.....	20 00	
		<u>760 95</u>
Transportation.....		158 41

Damage sustained:

Property taken by United States troops and Kansas State militia.....	20 00
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Total	13,028 31
Price's raid.....	383,912 73

Total amount audited.....	396,941 04
Amount of claims audited by the board, and for which certificates have not yet issued.....	200,000 00

Total.....	596,941 04
Deducting claims allowed for damages.....	91,750 83

Balance	<u>505,190 21</u>
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TOPEKA, KANSAS,
January 26, 1866.

We, the undersigned, a board of commissioners appointed under an act approved February 11, 1865, a copy of which is hereto attached, do hereby certify that the within and foregoing account is a correct statement of the amounts audited and allowed as per vouchers and pay-rolls now on file in office of said board.

In testimony whereof, we have hereto affixed our hands and official seals the day and year above written.

[SEAL.]

R. A. BARKER,
Secretary of State.

[SEAL.]

T. J. ANDERSON,
Adjutant General.

[SEAL.]

J. D. BRUMBAUGH,
Attorney General.

WAR DEPARTMENT, February 6, 1866.

The expenditures having been incurred for troops not mustered into the United States service, they cannot be adjusted at the Treasury without the action of Congress.

W. SCOTT KETCHUM,
Brevet Major General, Assistant Inspector General.