

University of Oklahoma College of Law

University of Oklahoma College of Law Digital Commons

American Indian and Alaskan Native Documents in the Congressional Serial Set: 1817-1899

2-22-1881

Report : Petition of J. Conrad

Follow this and additional works at: <https://digitalcommons.law.ou.edu/indianserialset>



Part of the [Indigenous, Indian, and Aboriginal Law Commons](#)

Recommended Citation

S. Rep. No. 896, 46th Cong., 3rd Sess. (1881)

This Senate Report is brought to you for free and open access by University of Oklahoma College of Law Digital Commons. It has been accepted for inclusion in American Indian and Alaskan Native Documents in the Congressional Serial Set: 1817-1899 by an authorized administrator of University of Oklahoma College of Law Digital Commons. For more information, please contact Law-LibraryDigitalCommons@ou.edu.

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 22, 1881.—Ordered to be printed.

Mr. CAMERON, of Pennsylvania, from the Committee on Military Affairs, submitted the following

REPORT:

[To accompany bill S. 2211.]

The Committee on Military Affairs, to whom was referred the petition of Capt. and Brevet Col. Joseph Conrad, U. S. A., praying the passage of an act authorizing his retirement in the grade of colonel, the actual rank held by him when wounded, have had the same under consideration, and beg leave to submit the following report:

It appears from the records that Joseph Conrad entered the service as captain in the Third Regiment of Missouri Volunteers April 22, 1861; was promoted major same regiment July 31, 1861; lieutenant-colonel Fifth Missouri Volunteers May 22, 1862; colonel same regiment November 29, 1862, and brigadier-general of volunteers by brevet March 13, 1865.

He was appointed captain Twenty-ninth Infantry July 28, 1866; major by brevet March 2, 1867, "for gallant and meritorious services in the Atlanta campaign"; lieutenant-colonel by brevet March 2, 1866, "for gallant and meritorious services in the battle of Franklin, Tenn."; colonel by brevet March 2, 1867, "for gallant and meritorious services in the battle of Nashville, Tenn."

From the breaking out of the war until June, 1862, he served in the Army of the Southwest, and was engaged in the battle of Pea Ridge, March, 1862, then holding the rank of major in command of a battalion. In June, 1862, he joined the Fifteenth Missouri Infantry, in front of Corinth, Miss., as lieutenant-colonel, and participated in the operations before that place. November 29, 1862, he was commissioned colonel of his regiment, and was transferred to the Army of the Cumberland, with which he served until the close of the war.

While guarding transports and exercising the command of colonel, he was severely wounded in the head at Harpeth Shoals, Tenn., January 19, 1863. The ball entered the face near the cheek-bone, and passed in above the soft palate and the base of the brain, and is still lodged in his head, causing, by its presence, constant and extreme suffering. He was engaged in the battle of Chickamauga, Georgia, in command of his regiment; also at Missionary Ridge, Tennessee, receiving a severe gunshot wound in the thigh and left arm. He participated in all the battles in which the Army of the Cumberland was engaged during the Atlanta campaign, in command of his regiment. He commanded the Third

Brigade, Second Division, Fourth Army Corps, at the battles of Spring Hill, Franklin, and Nashville, Tenn., receiving a gun-shot wound at Franklin. From July to October, 1865, he commanded the Second Division of the Fourth Army Corps in Texas. Since his appointment in the Regular Army, July 28, 1866, he has served principally on the frontiers of Texas, Dakota, and Montana, and has been engaged in the various Indian wars on those frontiers.

Prior to the repeal of the law authorizing retirement on the actual rank held by officers when wounded, he was advised by his Army surgeon to retire, but he refused to do so, preferring to serve with his company in the field to retirement as colonel.

In order that this claim may be properly understood and the severe, dangerous, and disabling character of Captain Conrad's wounds exemplified, reference is made to the medical testimony descriptive of the same, submitted with his memorial:

A.

STATE OF OHIO,
Hamilton County, ss:

This affiant, being duly sworn, deposeth and saith as follows, viz: That in the year 1863 he was surgeon of the First Kentucky Regiment Infantry, and was acting as brigade surgeon; that he traveled on the steamboat Science No. 2, from Louisville, Ky., to Nashville, Tenn., in company with Colonel Joseph Conrad, of the Fifteenth Missouri Infantry, in the month of January, 1863; that on the 19th of January said boat was attacked by the rebels while passing Harpeth Shoals, in the Cumberland River.

During the attack said Joseph Conrad, colonel of the Fifteenth Missouri Infantry, while in the line of his duty, was wounded in the face, the ball entering near the cheek-bone, injuring the antrum, and passing in above the soft palate and the base of the brain, as near as could be determined. The wound was very alarming; so much pain and hemorrhage that his life was despaired of for some time.

That in the opinion of this affiant the wound was of such a nature as to be followed by consequences of a chronic character; and affiant says he has no interest in this.

S. G. MINZIE,

Late Medical Director First Division, Fourth Corps.

Sworn to and subscribed before me this 2d day of October, A. D. 1871.

GEO. F. HOEFLER,

Probate Judge Hamilton County, Ohio.

A true copy.

[SEAL.]

E. C. GILBREATH,

Captain, Eleventh Infantry.

B.

STATE OF MISSOURI,
County of Saint Louis, ss:

I, the undersigned, August Rooch, do hereby certify that I was, during the war, in the month of November, 1863, a surgeon of the Fifteenth Missouri Infantry Regiment; that Joseph Conrad was colonel of the regiment, and that during the battle of Missionary Ridge, Tennessee, when said Joseph Conrad was in command of said regiment, the said Joseph Conrad received a wound in the thigh, a rifle-ball piercing the thigh about its middle, passing and grazing the bone on the inside, and destroying a part of the abductor and flexor muscles and tendons; on healing, the said muscles and tendons became attached to the cicatrice, impairing the movability of the limb.

AUGUST ROOCH, M. D.,

Late Surgeon of the Fifteenth Regiment Missouri Volunteers.

Subscribed and sworn to before me this 30th day of September, 1871.

[SEAL.]

ANTHONY NACKE,

Notary Public.

STATE OF MISSOURI,
County of Saint Louis, ss:

I, Frederick C. Schoenthaler, clerk of the county court of Saint Louis County, certify that Anthony Nacke, whose name is subscribed to the foregoing certificate, dated

September 30, 1871, was, on said date, an acting notary public in and for said county, duly commissioned, qualified, and authorized to administer oaths; that the signature thereto is genuine, as I believe; and that to all such his official acts full faith and credit are and ought to be given.

In testimony whereof I hereto set my hand and affix the seal of said court at office in the city of Saint Louis this 21st day of November, 1871.

[SEAL.]

F. C. SCHOENTHALER, *Clerk.*

A true copy:

E. C. GILBREATH,
Captain, Eleventh Infantry.

C.

FORT ONTARIO, OSWEGO, N. Y.
October 3, 1879.

I hereby certify that I have known Capt. Joseph Conrad, Eleventh Infantry, brevet colonel United States Army, for about ten years; that I am intimately familiar with his physical condition, having frequently and carefully examined him, and that he suffers from the following wounds received during the late war, in the line of duty, viz:

1. Gunshot wound of thigh, causing frequent attacks of severe neuralgia.
2. Gunshot fracture of head, a rifle ball having entered the temporal region close to the right eye, and is still lodged in the head, causing by its presence constant and intense suffering, subject to paroxysms of agonizing exacerbation, and also causing great impairment of vision, taste, and destroying the sense of smell.

I further certify that in consequence of these wounds his general health is broken down, and that he is not only unable to perform the duties of active military life, but also to engage in any civil pursuit, and that I have advised him to retire at a time when he could have done so on the rank he held when wounded (colonel), but that he refused to do so from love for his military profession.

J. H. PATZKI,
Captain and Assistant Surgeon, U. S. A.

A true copy:

E. C. GILBREATH,
Captain, Eleventh Infantry.

D.

FORT CONCHO, TEXAS,
March 30, 1872.

Capt. Joseph Conrad, Eleventh United States Infantry, being about to avail himself of leave of absence granted upon my certificate of February 14, 1872, I certify, in addition to my statement in the certificate of the above date, that his disease, in my belief, is much aggravated and his suffering much increased by residence in this table-land section of country, where the special and always prevailing diseases are rheumatism and neuralgia, and, in my opinion, he will never be fitted for service requiring the exposure of the frontier.

W. M. NOTSON,
Captain and Assistant Surgeon, U. S. A., Post Surgeon.

A true copy:

E. C. GILBREATH,
Captain, Eleventh Infantry.

E.

POST HOSPITAL, DEPOT GENERAL RECRUITING SERVICE,
Columbus Barracks, Ohio, October 6, 1879.

I certify that during 1871 I had on repeated occasions professional care of Capt. Joseph Conrad, Eleventh Infantry, who continuously suffered from two old gunshot wounds, one of the face and one of the right thigh. They were both the cause of frequent attacks of neuralgia, prolonged and excruciating in its severity, and the wound of the face was attended with an ozena which, while then impairing the officers' sense of smell, often rendered him uncomfortable to himself and others.

During my many years of service in the Army I have never given a medical certificate where I could say with more sincerity and satisfaction that this officer's pro-

longed sufferings have unfitted him for any other occupation in life, and won for him the right to ask retirement from further duty, under the most favorable conditions that could be extended to him.

W. M. NOTSON,
Major and Surgeon, United States Army, late Post Surgeon, Fort Concho, Tex.

A true copy :

E. C. GILBREATH,
Captain, Eleventh Infantry.

F.

UNITED STATES ARMY POST HOSPITAL,
Fort Douglas, Utah, September 18, 1879.

Capt. Joseph Conrad, Eleventh United States Infantry, having applied to me for a certificate on which to base an application to be retired from active service, I hereby certify that this officer was under my treatment in 1872 and 1873, at the cavalry depot, Saint Louis, Mo., for a gunshot wound of the face and of the thigh.

The wound of the face implicated the nerves of the right side, and was attended with great and almost constant pain, and with discharges of bone from the nostrils.

The wound of the right thigh caused much pain at times.

The fortitude with which this officer bore his very great and almost ceaseless pain and loss of sleep should not go unmentioned.

B. A. CLEMENTS,
Surgeon United States Army.

A true copy :

E. C. GILBREATH,
Captain, Eleventh Infantry.

Capt. Joseph Conrad, Eleventh Infantry, United States Army, having applied to me for a certificate on which to base an application for retirement, I certify that I was on duty as post surgeon at Fort Richardson, Texas, where this officer was stationed, for some two years about 1874 and 1875, and often examined and treated him during that time for gunshot wound of the head. The ball entered in front of the right ear, and passed inward through the superior maxilla, lodging somewhere near the median line about the base of the nose, where it remained. Blood, matter, and small bones frequently discharged from the nose, and the patient suffered intensely from headache, foul breath, noise in the ears, disturbance of vision, and general ill-health therefrom, especially after the exertion incident to his duties, and in consequence thereof the officer was, in my opinion, entirely incapacitated for the performance of military duty, and a proper subject for retirement from active service.

I further certify that notwithstanding this officer made every effort by correct habits and strict attention to medical advice to regain his health, his disability grew gradually worse, and appeared to be permanently incurable.

W. H. FORWOOD,
Surgeon, U. S. Army.

CHESTER, PA., *October 29, 1879.*

A true copy :

E. C. GILBREATH,
Captain, Eleventh Infantry.

H.

STOCKTON, N. J., *September 13, 1879.*

DEAR SIR: In reply to your letter asking for a statement of your physical condition as known to me while you were at Standing Rock, Dak., in 1876, I will state that you were under treatment for neuralgia and nasal catarrh, caused by wounds.

Your desire to remain on duty gave me small opportunity to know the extent of the wound and injury which caused your disability, yet I observed that the injury to your face caused by gunshot wound produced intense suffering and general nervous prostration, for which active treatment was required, and which, in my opinion, unfitted you for duty.

Very respectfully,

W. D. WOLVERTON,
Surgeon, U. S. Army.

Col. J. CONRAD,
Eleventh U. S. Infantry.

A true copy :

E. C. GILBREATH,
Captain, Eleventh Infantry.

I.

FORT CUSTER, MONT., *November 16, 1879.*

Capt. Joseph Conrad, Eleventh United States Infantry, having applied to me for a certificate on which to base an application for retirement, I hereby certify that the said Capt. Joseph Conrad has been at this post since July, 1877; that during the whole of this time he has been suffering, at times intensely, from the results of the following wounds, received during the rebellion: "Gunshot wound of head," Harpeth Shoals, January, 1863; "gunshot wound, thigh," Missionary Ridge, November, 1863; that at no time since I have known him, July, 1877, has he been fit for active service, and that even garrison duty can be performed by him only by severe effort. He has been under constant medical supervision, and is dependent upon medicine for any relief that he may experience. Besides the above-mentioned wounds, the captain received a second wound at Missionary Ridge, and again at Franklin, Tenn.

All his sufferings are dependent solely upon his wounds, and inasmuch as he is by them totally incapacitated from earning a livelihood, retirement upon the rank which he held when wounded would be only an act of justice.

L. S. TESSON,

Assistant Surgeon, U. S. A., Post Surgeon.

A true copy:

E. C. GILBREATH,
Captain, Eleventh Infantry.

Your committee submitted these papers to the Surgeon-General of the Army for an opinion as to whether his wounds are as severe and dangerous and as completely disabling as the loss of an arm or a leg, or the disability of an arm or a leg by resection, and received the following reply:

SURGEON-GENERAL'S OFFICE, *December 15, 1880.*

I have carefully examined the certificates of medical officers attached to the memorial of Capt. and Brevet Col. Joseph Conrad, and am of the opinion that they establish that the wounds therein described are as severe and as completely disabling as the loss of an arm or a leg, or the disability of an arm or a leg by resection.

J. K. BARNES,

Surgeon-General.

This presents a case where the officer, though equally disabled with many other officers who did retire, refused to do so when urged thereto by his surgeon on account of his love for his profession, although he might have retired on the rank of colonel, which he held when wounded.

The law authorizing retirement with higher rank than that actually held by the officer at the date thereof was repealed by the act of June 10, 1872, but the position of officers who had been retired with increased rank was not disturbed. But by section 2 of the act of March 3, 1875, commonly known as the "Crawford act," a large number of officers were reduced from the rank of the command on which they had been retired to the *actual* rank held by them when wounded. A number of exceptions, however, were made to this reduction—

1. Those who had been in service at date of retirement as commissioned officers twenty-five years.

2. Those who had lost an arm or a leg, or had an arm or leg permanently disabled by resection.

3. Those who had lost both eyes by wounds received in battle. A number of special acts were subsequently passed exempting certain other officers from the operation of this act, and the rule laid down for such exemption was that the officer's disability must be equal to the loss of an arm or a leg, or the permanent disability of an arm or a leg by resection on account of wounds. See Senate reports, as follows:

No. 409, Forty-fourth Congress, first session, to accompany bill for the relief of Albert W. Preston;

No. 634, Forty-fourth Congress, second session, to accompany bill for the relief of Thomas E. Moley; and

No. 682, Forty-fourth Congress, second session, to accompany bill for the relief of John Pulford, reported by Messrs. Cockrell and Spencer.

Your committee believe this case falls within the letter, reason, and spirit of the rule, and that it is a special case deserving special consideration.

On this point the following indorsements from Major Gordon, Colonel Buell, the Lieutenant-General, and General of the Army, are worthy of consideration :

FORT CUSTER, MONT., *March 11, 1879.*

This is to certify that I have known Captain and Brevet Colonel Conrad, of the Eleventh United States Infantry, many years; a part of that time he has been in my command.

He is suffering with several wounds received during the war, but has struggled along, keeping himself always on duty, and never given up when there was work to do.

He is well entitled to retirement on his brevet rank whenever his services will allow it.

GEO. P. BUELL,

Lieutenant-Colonel Eleventh U. S. Infantry, Commanding Post.

A true copy :

E. C. GILBREATH,

Captain, Eleventh Infantry.

HEADQUARTERS FORT CUSTER, MONT.,

November 20, 1879.

Respectfully forwarded through department and division headquarters, earnestly recommending that the petition of Capt. and Bvt. Col. Joseph Conrad, Eleventh Infantry, may be favorably considered. I have known Captain Conrad, I may say intimately, for two years, during which time his physical condition has absolutely been pitiable by reason of the sufferings he has endured. He can no longer stand service on the *plains*, and notwithstanding his indomitable will, is, in my opinion, failing fast.

It would be but a just reward to provide for this officer as a colonel on the retired list.

D. S. GORDON,

Major, Second Cavalry, Commanding Post.

HEADQUARTERS MILITARY DIVISION OF THE MISSOURI,

Chicago, December 4, 1879.

Respectfully forwarded to the Adjutant-General of the Army, approving this application.

Captain Conrad was during the greater part of the war of the rebellion colonel of the Fifteenth Missouri Volunteer Infantry, and for a long time immediately under my command. He was severely wounded three times while holding this rank, and from the character of his wounds and the gallantry of the man, he is deserving of consideration; and should Congress reward him by the passage of a bill authorizing his retirement as a colonel, it would be doing justice to a man whose special service warrants special action.

P. H. SHERIDAN,

Lieutenant-General, Commanding.

Approved.

W. T. SHERMAN, *General.*

The medical evidence submitted in this case establishes the disability of this officer for further service in the field by reason of these wounds.

Your committee are of opinion that Captain Conrad's claim to be retired with the rank and pay of colonel is meritorious, and that the severe, dangerous, and disabling wounds received by him in battle while holding this rank, as well as his gallantry and faithful service in the field when he might have retired on this rank, entitles him to this consideration.