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Report : Petition of F. Nelson et al.

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IN THE SENATE OF THE UNITED STATES.

FEBRUARY 10, 1885.—Ordered to be printed.

Mr. BLAIE, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 1711.]

The Committee on Pensions, to whom was referred the bill (H. R. 1711) granting pensions to Frederick Nelson, T. Caine, and Henry C. Sanders, have examined the same and report favorably, recommending its passage.

The facts are contained in the House report:

[House Report No. 482, Forty-eighth Congress, first session.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1711) granting a pension to Frederick Nelson, T. Caine, and H. C. Sanders, have had the same under consideration, and beg leave to make the following report:

This bill was introduced in the Forty-seventh Congress (H. R. 4982) and reported favorably upon from the committee, No. 1471. A careful review of the bill and the facts sustaining it seem to fully warrant the favorable report made upon it in the Forty-seventh Congress. It was not reached for action during that Congress. The report made by the former committee, and above referred to, is so fair and complete a résumé that the committee incorporate it herewith in their report.

[House Report No. 1471, Forty-seventh Congress, first session.]

“The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4982) granting a pension to Frederick Nelson, T. Caine, and R. Sanders, have had the same under consideration, and beg leave to make the following report:

“In support of the bill, claimants present the certificates of Capt. James Gillis, assistant quartermaster United States Army, and R. S. Vickery, assistant surgeon United States Army, at Fort D. A. Russell, Wyoming Territory.

“Captain Gillis certifies that at the time of the fight of Maj. T. T. Thornburgh, Fourth United States Infantry, with the Ute Indians on Milk River, Colorado, September 29, 1879, Henry C. Sanders was in the employ of the Quartermaster's Department as a citizen blacksmith. Also, that at said time and place Frederick Nelson and Thomas Cain were employed as teamsters in the Quartermaster's Department.

“Surgeon Vickery certifies as follows:

“The following-named men, employes in the Quartermaster's Department, were with the command of Capt. J. S. Payne, Fifth Cavalry, in action with the Ute Indians on Milk River, Colorado, September 29, 1879, and were wounded in that action, and were received into this hospital October 19, 1879, with other wounded men from the same field.

“Their condition then was as follows:

“Frederick Nelson, gunshot wound of left shoulder, the bullet passing over and grazing the bone; gunshot wound of left leg, the ball entering at lower and outer border of left thigh, ranging downwards; it still remains deeply lodged amongst the muscles. He had also scars of wounds received in the war of the rebellion—a shell wound fracturing the right leg, and a flesh wound of neck from rifle ball. He was in this hospital until March 2, 1880, and still remains totally disabled, the result of his wounds.

“Henry C. Sanders, wound from rifle ball passing across back part of left knee, wounding the bone and opening the joint. As the result of it there has been much inflammation and an immense amount of suppuration all along the leg and thigh. He is still confined to bed in hospital, but is now recovering. Totally and permanently disabled.

“Thomas Cain, bullet wound of chest, right side; the ball entered over third rib and came out between seventh and eighth rib, fracturing the ribs and perforating the lung. He was discharged from hospital, wound healed, January 5, 1880.”

“There is also on file the following statement by Capt. J. S. Payne, Fifth Cavalry, commanding the expedition against the Utes, indorsed upon letter addressed to him by Frederick Nelson:

“Nelson was with my command as teamster in the campaign last fall, and served in that capacity faithfully. During the affair of Milk River, September 29-October 5, he did the duty of a soldier courageously and cheerfully, until he received a painful wound, from which he is now suffering and by which he is disabled for life. His conduct came under my personal observation, and I take pleasure in recommending that a pension be granted him.”

“In addition to the above there is on file the following house joint resolution and memorial of the legislative assembly of Wyoming Territory:

“*To the honorable Senate and House of Representatives of the United States in Congress assembled:*

“Your memorialists, the legislative assembly of the Territory of Wyoming, respectfully represent that H. C. Sanders, Fred Nelson, and Thomas Kane, citizens of this Territory, while in the employ of the United States Government and doing duty as soldiers under the orders of officers of the United States Army, were wounded and permanently disabled in an engagement with the Ute Indians at Milk River, Colorado; said engagement being known to the country as the “Thornburg massacre.”

“And your petitioners would further represent that these persons being disabled for life while protecting the property of the United States, and taking arms against the public enemy in obedience to Army authority, are entitled to relief of a suitable pension in each case, such as the gratitude and liberality of a great power naturally award to its defenders at all times.

“As under existing United States laws there are no provisions by which claims of this class can be adjudicated and allowed, your petitioners pray that the persons hereinbefore mentioned, upon showing by proper affidavits their authorized service of and employment by the Government, their presence at the action named, and that the wounds there received have caused permanent disability, may obtain relief at your hands by the passage of an act granting to said persons such a pension as the presentation of facts and circumstances in each case may seem to warrant. And for such action by this memorial your petitioners, the legislative assembly of the Territory of Wyoming, will ever pray.

“*Be it resolved*, That the secretary of the Territory of Wyoming be requested to forward a copy of this memorial to Hon. M. E. Post, Delegate in Congress, and that he be instructed to use his best endeavors to secure the result prayed for therein.”

“The committee are of opinion that the claimants are entitled to the relief asked for and therefore report favorably on the same, with the following amendments: Strike out the letter ‘R’ before the word Sanders in the title of the bill and in line six, and insert instead in both places the following: ‘Henry C.’; also strike out all after the word ‘seventy-nine’ in line 11; and thus amended, ask that it do pass.”

The committee are of the opinion that the claimants should be granted the relief asked for in the bill, and report favorably on the same.