

2-28-1891

Section forty-six hundred and ninety-three of the Revised Statutes

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SECTION FORTY-SIX HUNDRED AND NINETY-THREE OF
THE REVISED STATUTES.

FEBRUARY 28, 1891.—Referred to the House Calendar and ordered to be printed.

Mr. MORRILL, from the Committee on Invalid Pensions, submitted the following

REPORT:

[To accompany S 390.]

The Committee on Invalid Pensions, to whom was referred the bill (S. 390) to amend paragraph 3 of section 4693 of Revised Statutes, and for other purposes, submit the following report:

The bill under consideration proposes to repeal the limitations prescribed against persons not enlisted in the Army of the United States, but who, while serving for the time being as members of the militia of any State, under orders of an officer of the United States, were disabled in consequence of wounds or injuries received in any engagement with rebels or Indians.

This class of persons was first provided for in section 9 of the act of July 4, 1864, which also made provisions for the widows or dependents of such persons as may have been killed in such temporary service, provided, however, a claim under said section was prosecuted to a successful issue prior to July 4, 1867. No further provisions for militiamen were made until March 3, 1873, when, under the act of that date, the limitation in this class of claims was further extended to July 4, 1874.

Several States of the Union organized their militia forces during the late war to aid the regular forces of the United States in the suppression of the rebellion. Among the States most forward in the organization of their militia forces were Kentucky, West Virginia, Kansas, and Missouri; in particular the latter.

Under an agreement entered into between the President of the United States and the governor of the State of Missouri the latter, under date of July 22, 1862, called into service all arms-bearing citizens of that State. About eighty regiments were organized, and although not constantly in the service, were more or less in the field aiding and assisting the forces of the United States in driving from the State the numerous raiding parties of the Confederates, as well as in the protection of Government property, and in particular in the carrying of the mails, which in those days were transported principally by stage.

A large amount of Government stores at Springfield, Mo., for the use of the armies operating in Missouri, Arkansas, and Indian Territory, were saved from capture by the Confederate forces under General Marmaduke by the militia of the State in January, 1863. Shortly thereafter a raid into the State by General Shelby proved unsuccessful by reason of the timely concentration of the militia forces. The services

of the enrolled militia during the invasion of the State by General Sterling Price are historical. The gallantry of these troops, as well as of the militia of Kansas, at the battle of the Little Blue, Missouri, in October, 1864, materially aided in the complete rout of the Confederate forces.

Not only were the movements of the Missouri militia controlled by the respective department commanders; who, it may be stated, were the respective commanders-in-chief of these forces under the agreement heretofore referred to, but, with the exception of a month in 1862, were furnished by the General Government with transportation, subsistence, and clothing.

The militia of other States—in particular during the first year of the war—did noble work for the cause of the Union; in fact were in many localities the only protection of the homes and property of those who sympathized with the Union or had joined the regular volunteer forces of the North, and on many occasions were called upon to meet in battle array the much-better organized forces of the Confederacy.

A serious outbreak of the then powerful tribe of Sioux Indians in Minnesota, in the summer of 1862, threatened destruction of life and property in a section of the country then unprotected by a military force equal to the emergency. The timely organization of the militia of the State, however, soon restored peace and safety to the community affected by this outbreak; not, however, without serious loss of life and other casualties among the ranks of the militia.

A number of State militiamen wounded in battle, as well as widows, etc., of others who lost their lives while in this temporary service, are now upon the pension-rolls, because they were apprised of their rights and were able to substantiate the same within the period prescribed by law, while many others, who were injured under like circumstances, or who lost upon the field of battle a husband or father, ignorant of their rights or unable to satisfy the Pension Office of the merits of their respective claims, are, because of the limitation heretofore referred to, shut out from the help which the Government so liberally bestows upon others of its defenders.

Every session of Congress this committee is called upon to take cognizance of a number of cases of this now barred class of claimants.

The merit of this class of cases is, as a rule, not questioned, and Congress has always granted the relief asked for.

Your committee fail to see the propriety in continuing in force the statute which necessitates special action in each individual case arising out of this service, and therefore report favorably on the bill and ask that it do pass with the following amendment: In line 5, section 1, strike out the words "of a State militiaman" and insert "arising under the provisions of said paragraph three, section forty-six hundred and ninety-three of the Revised Statutes."