

59TH CONGRESS,
1ST SESSION.

H. R. 8989.

IN THE HOUSE OF REPRESENTATIVES.

DECEMBER 18, 1905.

Mr. MANN introduced the following bill; which was referred to the Committee on Military Affairs and ordered to be printed.

A BILL

To create in the War Department a special roll to be known as the "Volunteer retired list;" to authorize placing thereon with pay certain surviving officers of the United States Volunteer Army of the civil war, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That there shall be, and is hereby, created in the War De-
4 partment a special roll, to be known as the "Volunteer re-
5 tired list." for certain surviving officers of the United States
6 Volunteer Army of the civil war.

7 SEC. 2. That upon written application to the Secretary
8 of War, and subject to the conditions and requirements herein-
9 after contained, there shall be entered on said list the name of
10 each surviving major-general and brigadier-general for volun-
11 teers in said Army, and each surviving colonel of a volunteer
12 regiment therein who was at any time appointed and com-

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By Mr. MANN.

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1 missioned by the President, by and with the advice and con-
 2 sent of the Senate, as brigadier-general or major-general of
 3 volunteers by brevet on account of services rendered in said
 4 Army. Such entry on said volunteer retired list shall be sub-
 5 ject to the following conditions and requirements, namely:
 6 Each person so entered shall have served as an officer or an
 7 enlisted man not less than two and a half years in said Volun-
 8 teer Army between April fifteenth, eighteen hundred and sixty-
 9 one, and July fifteenth, eighteen hundred and sixty-five, at
 10 least one year of which service shall have been in the field
 11 with troops; he shall have been honorably discharged from
 12 said service and shall have reached the age of seventy years;
 13 he shall not belong to the Regular Army and shall not have
 14 been retired; said application to be accompanied with proof
 15 of the identity of the applicant, and both the application and
 16 proof to be under oath.

17 SEC. 3. That each applicant whose name shall be en-
 18 tered upon said list shall be so entered as of the actual rank
 19 held by him at the date of his discharge from said Vol-
 20 unteer Army, and when so entered on said list he shall be
 21 paid, out of any money in the Treasury not otherwise ap-
 22 propriated, three-fourths pay, according to his actual rank,
 23 which pay shall be the same as that now received by retired
 24 officers of like rank in the Regular Army and shall be paid
 25 in like manner; such pay to begin on the date of filing his

1 said application with the Secretary of War and to continue
 2 during his natural life.

3 SEC. 4. That each person who shall receive pay under
 4 this Act shall thereby relinquish all his right and claim to
 5 pension from the United States after the date of filing said
 6 application, and any payment of such pension made to him
 7 covering a period subsequent to the filing of his said applica-
 8 tion shall be deducted from the amount due him on the first
 9 payment or payments under this Act; the pay allowed by
 10 this Act shall not be subject or liable to any attachment,
 11 levy, lien, or detention under any process whatever; and
 12 persons whose names are placed upon said list shall not con-
 13 stitute any part of the United States Army.

PERSONAL MEMORANDUM.

Suggestion: The enactment of a suitable measure by the present (59th) Congress, the practical effect of which will be to create in the War Department a special Roll to be known as the Volunteer Retired List, and authorize the placing thereon, *upon application*, with pay, of surviving general officers of United States Volunteers who served not less than two years and six months during the Civil War—at least one year of the period with troops in the field—who were honorably discharged and have arrived or shall arrive at the age of 70 years; the Act to include those Colonels commanding troops who attained the brevet rank of brigadier-general and who meet the foregoing conditions of service and age; the retired pay to correspond to actual rank at date of discharge and to be the same as that now received by retired officers of like rank in the Regular Army (three-fourths of full pay); no officer to receive both retired pay and pension at the same time; persons placed on said List not to become a part of the United States Army, or be subject to military duty.

It is noteworthy that our Government has not recognized in any important respect the Volunteer officers (even the general officers) of the Civil War, except as private soldiers, while all officers of the Regular Army have been generously and deservedly provided for according to their rank. Yet the Volunteer Army of 1861-65 mainly under the immediate leadership of volunteer general officers, met a supreme emergency, assured the preservation of the Nation, and thereby assured its present prosperity and greatness.

The fact will be recalled that in 1828 Congress passed an Act giving full pay, not exceeding that of a captain, to all surviving commissioned officers of the Revolutionary Army, regardless of age or length of service, such pay beginning from 1826 and continuing during life. Congress had previously provided for 1711 general and other officers of the revolutionary Army with grants of land ranging from 1,000 to 20,000 acres each.

Under our present pension laws and orders all who served as private soldiers or otherwise for even 90 days during the Civil War, are entitled, regardless of physical condition, to receive during life after age 70, twelve-thirteenths of a private's monthly pay of 1861-65, or three-fourths of the present monthly pay of privates—beginning with half this allowance at age 62.

In addition to the comprehensive Act of 1828 and preceding legislation, Congress on several subsequent occasions has recognized the principle involved in the Act now proposed, and has established a precedent by special enactments, authorizing the placing upon the Retired List of the Army of particular volunteer general officers of the Civil War—as in the cases of Gen. Joseph R. Hawley and Gen. P. J. Osterhaus, who were thus retired March 3, 1905. In 1900 and 1901, respectively, Generals Joseph Wheeler and Fitzhugh Lee were placed on the Retired List of the Army as Brigadier-Generals on account of service as officers of U. S. volunteers in our recent Spanish War. The measure herein suggested would simply embody the excellent principle and precedent already created and confirmed by Congress and the Executive and reduce to an equitable system what has hitherto been without method.

It would of course be optional with each officer whether or not to avail himself of the benefits of the Act. Doubtless those whose financial situation is such as to render them indifferent to the material benefits in their own case would still be gratified to see them enjoyed by those otherwise circumstanced. That many are in a position to appreciate keenly the proposed retired pay cannot be doubted. Besides, such a List ought to have the character of an Honor Roll, a place upon which would be permanently creditable.

The proposed bill, if passed immediately, would take effect more than forty years after the close of hostilities, and would find scarcely 200 beneficiaries. Of the 131 major-generals of Volunteers appointed during the Civil War and not transferred to the Regular Army, three survive in 1905. Of the 549 brigadier-generals so appointed, 36 survive, and practically the same proportions hold good of the brigadier-generals by brevet affected by the proposed measure, very many of whom commanded brigades. [Note.—The records of the War Department show that at given dates covering the greatest campaigns and battles of the Civil War, the principal Union Armies, commanded respectively by Sherman, Thomas and Meade, consisted of an aggregate of 134 brigades of which 107 were commanded by Colonels of regiments, performing this duty without increased rank or pay, and 27 by Brigadier-generals.] The relatively small number of survivors at this date is due to the fact that general officers of the Civil War naturally averaged a considerably higher age than officers of the junior grades—this difference averaging from seven to ten years. As these surviving veteran officers now have an average age of about 74 years, (ranging from 65 to 93) they will in any case soon pass from the stage. Thus the annual demand to be made by such a measure upon the National Treasury would be slight even at the outset, and as its benefits would not extend to widows or other heirs, the expense to the Government would in the nature of things rapidly diminish and soon cease altogether. An opportunity like the present one for performing such an act of simple equity, free from any element of gratuity, is unlikely to recur in the future of the Republic.

PERSONAL MEMORANDUM

Suggestion: The enactment of a suitable measure by the present (59th) Congress, the practical effect of which will be to create in the War Department a special bill to be known as the Volunteer Keating Bill, and authorize the placing thereof upon application with pay of surviving general officers of United States Volunteers who served not less than two years and six months during the Civil War—at least one year of the period with troops in the field—who were honorably discharged and have arrived or shall arrive at the age of 70 years; the law to include those Commanding Generals who attained the lowest rank of brigadier-general and who spent the foregoing conditions of service and age, the retired pay to correspond to actual rank at date of discharge and to be the same as that now received by retired officers of like rank in the Regular Army (three-fourths of full pay); no effort to receive both retired pay and pension at the same time; persons placed on said list not to become a part of the United States Army, or be subject to military duty.

It is noteworthy that our Government has not recognized in any important respect the Volunteer officers (even the general officers) of the Civil War, except as private citizens, while all officers in the Regular Army have been recognized and honored. The Government has not only failed to recognize the Volunteer officers, but it has also failed to recognize the Commanding Generals of the Civil War, and thereby secured its present prosperity and greatness.

The fact will be recalled that in 1855 Congress passed an Act giving full pay, not exceeding that of a captain, to all surviving commissioned officers of the Revolutionary Army, regardless of age or length of service, such pay beginning from 1835 and continuing during life. Congress had previously provided for 1811 general and other officers of the revolutionary Army with grants of land ranging from 1,000 to 35,000 acres each.

Under our present pension laws and orders all who served as private soldiers or officers for even 90 days during the Civil War are entitled, regardless of position or length of service, to receive during life after age 62, two-thirds of a pension monthly pay of \$10.00, or three-fourths of the present monthly pay of privates—beginning with full allowance at age 62.

In addition to the foregoing, the Act of 1855 and succeeding legislation, Congress provided independent recognition for the general officers of the Civil War, and has established a precedent for special recognition, authorizing the placing upon the retired list of the Army of general officers who were distinguished in the Civil War—as in the case of Gen. Joseph K. Hawley and Gen. P. I. Johnston, who were distinguished in the Mexican War, in 1890 and 1901 respectively. General Joseph Wheeler and Richard L. Lee were placed on the Retired List of the Army as brigadier-generals in recognition of service as officers of U. S. volunteers in our recent Spanish War. The measure herein suggested would simply embody the excellent principle and precedent already created and confirmed by Congress and the Executive and reduce to an equitable system what has hitherto been without method.

It would of course be optional with each officer whether or not to avail himself of the benefits of the Act. Doubtless those whose financial situation is such as to render them indifferent to the material benefits in their own case would still be gratified to see them enjoyed by those otherwise circumstanced. That many are in a position to appreciate fully the material benefit cannot be doubted. Besides, such a list ought to have the character of an honor roll, and it is a matter of course that it should be so.

The proposed bill, if passed immediately, would take effect more than forty years after the close of the Civil War, and would accord 300 beneficiaries. Of the 131 major-generals of Volunteers appointed during the Civil War and not transferred to the Regular Army, three survive in 1905. Of the 549 brigadier-generals so appointed 35 survive, and practically the same proportions hold good of the brigadier-generals by brevet effected by the proposed measure, very many of whom commanded brigades. [Note:—The records of the War Department show that in given dates covering the greatest campaigns and battles of the Civil War, the principal Union Armies, commanded respectively by Sherman, Thomas and Meade, consisted of an aggregate of 134 brigades of which 107 were commanded by Calvary of regiments, returning this duty without increased rank or pay, and 27 by Brigadier-generals.] The relatively small number of survivors at this date is due to the fact that general officers of the Civil War naturally averaged a considerably higher age than officers of the junior grades—this difference averaging from seven to ten years. As these surviving veteran officers now have an average age of about 74 years (ranging from 65 to 83) they will in any case soon pass from the stage. Thus the annual demand to be made by such a measure upon the National Treasury would be slight even at the outset, and its benefits would not extend to widows or orphans. The expense to the Government would in the nature of things rapidly diminish and soon cease altogether. In no way, like the present one for performing such an act of simple equity, free from any element of extravagance, unlikely to recur in the future of the Republic.

COPY OF LETTER FROM GEN'L GREEN B. RAUM TO HON. JAMES
R. MANN, HOUSE OF REPRESENTATIVES, WASHINGTON, D. C.
SUBJECT: THE CREATION OF A "VOLUNTEER RETIRED LIST"
FOR SURVIVING GENERALS OF THE VOLUNTEER ARMY OF
THE CIVIL WAR.

Chicago, Ill., Jan. 10, 1906.

Hon. James R. Mann,
House of Representatives,
Washington, D. C.

Dear Sir:—On behalf of more than one hundred and forty of the surviving Generals of the Union Army I wish to thank you for introducing H. R. 8989 entitled "A Bill to create in the War Department a special Roll to be known as the Volunteer Retired List, to authorize placing thereon with pay certain surviving officers of the United States Volunteer Army of the Civil War, and for other purposes." The petition accompanying said bill states certain reasons why this measure should become a law. I wish, however, on behalf of the petitioners, to bring to the attention of the Committees on Military Affairs somewhat more fully the facts which in our opinion make the passage of this law a matter of sound public policy.

We invite attention to the well-known fact that it is the fixed policy of the United States to maintain a small Regular Army. This policy was adopted at the organization of the National Government and has continued until the present time. The patriotism of the people has been relied upon to furnish upon call a sufficient Army of Volunteers to meet any emergency of war, however great. As a result of this policy the Volunteers have constituted the great right arm of the Military Power of this nation.

The following summary fully sustains this proposition:

When the War of 1812 began, the effective strength of the Regular Army was 6,686 officers and men; by September, 1814, it had been temporarily increased to 38,186 officers and men. But the volunteers and militia raised for this war was 31,210 officers and 440,412 enlisted men, making a total of 471,622.

When the Mexican War began in 1846 the effective strength of the Regular Army was 637 officers and 5,925 enlisted men, making a total of 6,562. By July, 1848, 1,016 officers and 35,009 enlisted men were temporarily added to the Regular Army, making a total of 42,587. But the Volunteer force raised for that war consisted of 3,131 officers and 70,129 enlisted men, being a total of 73,260 volunteers.

During the recent war with Spain the Regular Army was regarded as wholly inadequate in point of numbers to meet that crisis. Congress authorized the raising of an army of volunteers. As a result, there were 10,668 officers and 220,213 enlisted men mustered into the United States service, making a total of 236,881 volunteers.

When the Civil War broke out in 1861 the Regular Army consisted of 15,215 officers and men. This force was stationed at various points throughout the States and Territories and did not constitute even a nucleus around which the volunteers called for by President Lincoln could rally. The Regular Army was by May 1, 1865, increased by enlistments to a total of 62,000 officers and men.

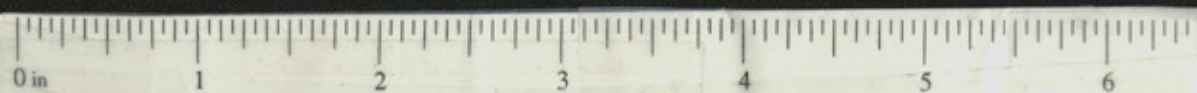
But the Government and people relied upon the Volunteers to rally to the flag of their country and save the Union.

The volunteer enlistments of all lengths of service during the four years of the Civil War numbered 2,731,519 officers and men.

The casualties in these two branches of the army show with terrible distinctness the difference in the numbers of each engaged in battle. The Regular Army lost 122 officers and 1,519 enlisted men killed in action, and 452 officers and 6,663 enlisted men wounded. Of the volunteers, 4,142 officers and 62,916 enlisted men were killed in action and 2,223 officers and 40,787 enlisted men died of wounds, making a total of 110,065 officers and enlisted men who lost their lives in action. This leaves out of view the 248,000 volunteers who died of diseases and casualties incident to the service, and hundreds of thousands of volunteers who were wounded and recovered.

These volunteer forces were enlisted, drilled, disciplined and led to battle by volunteer officers. Numerous brigades, divisions and army corps performed their duties in the field without a single officer or soldier of the Regulars being attached to them. For the emergencies of so great a war officers educated at the Military Academy were not of sufficient numbers to take charge of the various recruiting camps for volunteers. But the value of a military education was shown by the splendid achievements of men who had resigned from the Regular Army and now came into the service as volunteers from civil life.

As far as the strength of the Regular Army extended its efficiency could not be excelled, but its numerical power was never sufficient to justify it to take the field alone. The great victories gained by Generals Grant, Sherman, Meade, Thomas, Sheridan, Hancock, Rosecrans, McPherson and other Union Generals were won by the skill and valor of Volunteers, and those generals and a host of others rose to distinction and earned their undying fame as Generals of Volunteers.



With but few exceptions the appointments made during the Civil War and for some time thereafter of Brigadier-Generals and Major-Generals of the Regular Army were based upon the distinguished military services rendered by the appointees while serving as officers of volunteers, and these appointments were made as a distinct recognition of such volunteer service. Meade as a Major-General of Volunteers commanded the National forces at Gettysburg and for that service was appointed Brigadier-General of the Regular Army. Grant as a Major-General of Volunteers commanded the forces in the Vicksburg campaign, and for this service was made Major-General of the Regular Army.

It is now more than forty years since the close of the Civil War. There has been no legislation whatever by Congress specially recognizing the services of those volunteer officers who commanded and led brigades, divisions and army corps in that mighty struggle which ended in the preservation of the Union. The only provision of law now on the Statute book of the United States for General officers of the Union Army is a pension of \$12.00 per month at the age of seventy years, under the Act of June 27, 1890, and the order made thereunder. I respectfully submit to your judgment; to the judgment of the Committees on Military Affairs of the two Houses of Congress; and to the judgment of Congress itself whether such a provision is not wholly inadequate as a just recognition of the services of these men to their country.

The legislation, National and State, in respect to the officers and soldiers, who have served the country from 1775 to the present time, conclusively shows that the public sentiment of the American people favors liberal provisions for the men who have fought under the flag. When the Revolutionary War ended, large grants of land were made to officers of the Continental line. Seventeen hundred and eleven officers received land. Following are the names of a few of those officers and the quantity of lands received by each:

Maj. Gen. Gates.....	17,500 acres
Brig. Gen. Geo. R. Clark.....	10,000 "
Brig. Gen. (Baron) Steuben.....	15,000 "
Brig. Gen. Peter Muhlenburg.....	13,194 "
Brig. Gen. Hugh Mercer.....	10,000 "
Brig. Gen. Charles Scott.....	15,278 "
Brig. Gen. Edward Stevens.....	10,000 "
Brig. Gen. Robt. Lawson.....	10,000 "
Brig. Gen. Wm. Woodford.....	10,000 "
Brig. Gen. George Weedon.....	13,333 "
Lieut. Col. Henry Lee.....	8,240 "
Capt. Benj. Harrison.....	4,000 "
Col. Charles Harrison.....	6,666 "
Col. Robt. H. Harrison.....	6,000 "

In 1828, animated by the same spirit, Congress enacted a law granting full pay to all surviving officers of the Revolutionary Army; the maximum pay not to exceed that of a Captain; to begin March 3, 1826, and to continue during life.

Congress, by various laws, granted lands to soldiers of the War of 1812, of the Mexican War, and all Indian Wars. Under these laws 602,600 land warrants have been issued, constituting an acreage of sufficient area to cover Illinois, Ohio and New Jersey. These grants were made solely in consideration of military service. The officers and soldiers of the Mexican War were also granted three months extra pay. The soldiers of the War of 1812, of the Mexican War, and of all the Indian Wars, have been granted service pensions.

In considering the claims of the petitioners to the considerate action of Congress, the value of their services must be judged of by the magnitude and importance of the issues involved in the Civil War and the results accomplished.

In respect to the interests of the whole race of mankind, the preservation of the Union was the most important political event in the tide of time.

The victory of the Union Army kept in the political firmament of the world, as a beacon light, the Republican principle of self-government.

Not only the repose, the progress, and the prosperity, but the very existence of the United States as a nation was involved in the tremendous struggle.

The people of the United States owe their present marvelous prosperity, their peace at home and their influence abroad, to the fact that the Union was preserved by the patriotism, valor and fortitude of the volunteers. While Congress has provided liberally for officers of the Regular Army since the close of the Civil War by increasing their pay, and authorizing their retirement with increased rank at a certain age, on three-quarters pay, and although the Congress of 1828 placed all surviving officers of the Continental line on full pay as before mentioned, no steps so far have been taken to make corresponding or any suitable provision for the surviving Generals of Volunteers.

But Congress has from time to time taken this subject up by piecemeal, and has authorized the retirement of certain generals of volunteers. The Congress at its last session fully recognized the fact that the \$12.00 pension now authorized by law is totally inadequate as a recognition of the services of a general of volunteers of the Civil War. Proposing to conspicuously

honor and reward Brevet Major-General Joseph R. Hawley and Major-General Peter J. Osterhaus for their services during the Civil War, Congress passed an act which was approved March 3, 1905, for placing them on the Retired List of the Army of the United States with the rank of brigadier-general. Neither General Hawley nor General Osterhaus had ever been in the Regular Army. They both entered the Union Army as volunteers, the one as a captain of a Connecticut company, the other as a major of a Missouri battalion. Each was promoted from time to time. As a colonel Joseph R. Hawley commanded a brigade in the Army of the Potomac. When promoted as a brigadier-general he was assigned to duty on the staff of Major-General Terry. Major-General Osterhaus commanded the 1st Division 15th Army Corps, Army of the Tennessee, and in the absence of General Logan commanded the 15th Army Corps on the March to the Sea. Generals Hawley and Osterhaus were most capable officers, well deserving the gratitude of the American people. Both of them were mustered out of the Volunteer Army January, 1866.

Thirty-nine years after they had left the volunteer service this mark of a Nation's love and gratitude was conferred upon them—they were placed on the Retired List of the Regular Army. This act of Congress has attracted the attention and received the approval of the surviving generals of the Union Army.

The question, however, now naturally arises with them: Why shall not the principle of this act retiring Generals Hawley and Osterhaus be made applicable to the remnant of generals of volunteers of the Union Army now surviving, and thus avoid further special legislation in behalf of particular individuals? Are there any just reasons why a discrimination shall be made by Congress against other volunteer generals of long and arduous service in the same war? Can any member of either House of Congress who supported the former bill assign a just ground for opposing this?

The petitioners do not ask to be placed on the Retired List of the Regular Army. They do not wish to disturb the present system for the retirement of officers from the active list of the army. They request Congress to create a "Volunteer Retired List" in recognition of the services of the volunteers in all the great wars of the Republic. There may be some sentiment in this. I admit it. The survivors of the great Volunteer Army of the Civil War cherish the word "volunteer." That sentiment will go with them to the end. The petitioners are united in the opinion that, as Congress has by previous legislation recognized the justice of the principle proposed in the Volunteer Retired List bill, the Congress should not shrink from the responsibility of granting the same honorable recognition to others.

The officers whose rank and length of service bring them within the provisions of this bill were, when entering the army, men of mature years. But few of them remain now. A careful inquiry leads to the definite conclusion that not more than 160 of these officers survive. This statement is definitely verified by the fact that of the more than 600 persons who were appointed major-generals and brigadier-generals of volunteers, only 39 remain. This short line is led by that venerable man, Thomas M. Harris of West Virginia, brevet Major-General of Volunteers, now ninety-three years of age.

Of the colonels of regiments who were appointed brevet brigadier-generals and whose service brings them within the provisions of this bill, but few remain. These men earned promotion to the full grade of brigadier-general, but by reason of the conservative policy of Congress during the war period in not increasing the number of brigadier-generals to meet the actual needs of the service, these colonels commanded at least three-fourths of the brigades of the army.

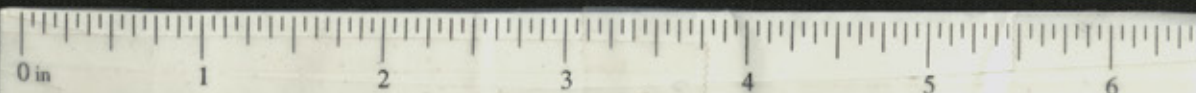
The cost of this measure will not be great, and, considering all the facts, this element should not enter into the question. In no other country of the world in the whole history of mankind has there been such an era of progress in population, wealth and power as this country has experienced during the past forty years. There are now more than sixty millions of people in the United States who were not here forty years ago at the close of the Civil War. From sixteen billions of wealth in 1860 accumulated since the settlement of Jamestown, there is now more than one hundred and ten billions of accumulation, ninety-four billions, or 85 per cent. of which has been added in forty years.

The great central fact in respect to the prosperity and happiness of the American people is the preservation of the Union. It is because of the preservation of the Union that the 59th Congress meets at the National Capital to legislate for this mighty and united nation.

I respectfully submit that the passage of the bill providing for a Volunteer Retired List will be an act of justice to the petitioners, and moreover an act of sound public policy.

Very respectfully yours,

Green B Raum



United States Senate,

Washington, 3/5/1906., 190

Respectfully referred to

Gen. C. H. Howard,

Chicago,

for his information.

Respectfully,

W. B. Allison

United States Senate

Washington, D.C.

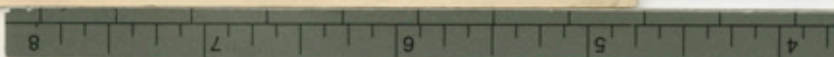
February 10, 1877

Gen. C. H. Howard,

Chicago,

For his information.

Respectfully,
Wm. H. Miller



COPY OF LETTER, GREEN B. RAUM, TO THE HONORABLE COMMITTEE ON MILITARY
AFFAIRS, HOUSE OF REPRESENTATIVES, MARCH 23, 1906.

WASHINGTON, D. C., March 23, 1906.

TO THE HONORABLE
COMMITTEE ON MILITARY AFFAIRS,
HOUSE OF REPRESENTATIVES,
WASHINGTON, D. C.

GENTLEMEN :

Referring to the hearing before your Committee on the 27th ultimo on H. R. Bill 8989 "To create a Volunteer Retired List," etc., I beg to present a summary of the reasons assigned for the passage of the bill.

This bill provides for the retirement, on three-quarters pay, of the surviving Major Generals and Brigadier Generals of Volunteers and Colonels of Regiments who were brevetted Brigadier Generals or Major Generals of Volunteers, for services in said army, who served two and a half years or more, at least one year of which was in the field with troops, and who shall arrive at the age of seventy years.

I submit that the present provision of law which authorizes a pension of \$12.00 per month at the age of seventy years to Generals of Volunteers of the Civil War, is no adequate or proper recognition of the services of these men.

I specially invite attention to the discrimination in the law between officers of the Regular Army and officers of Volunteers in regard to the rights of the two classes of officers to retirement in respect to services in time of war. The Regular Officers are entitled to retirement on three-quarters pay on account of age or disability.

The Volunteer Officer is not entitled to retirement on any account, however great was his command, however valuable were his services, however grievous his disabilities, or however extreme may be his age.

Your petitioners claim that this discrimination is unjust.

They insist that officers of the same rank in the two arms of the service when risking their lives for the country should have equal rights and equal pecuniary provisions under the law. The fixed policy of the United States, is, in time of a great war to depend mainly on the Volunteers.

In June, 1861, before the battle of Bull Run, the strength of the regular army was 1004 officers and 16,418 enlisted men; total, 16,422. In June, 1863, the year of Gettysburg and Vicksburg, the regular army consisted of 1,844 officers and 22,915 enlisted men; total, 24,759; and in April, 1865, at the time of Lee's surrender the strength of the regular army was 1605 officers and 20,706 enlisted men; total, 22,310.

The total volunteer enlistment for the Civil War was 2,731,519 of all lengths of service, reduced to a three years' basis was 2,228,488. These volunteers met the Confederate forces in more than 2,800 engagements, in the most desperate, long contested, and bloody war of the ages. It must be perfectly clear to every fair minded person that in such a struggle the rights of the volunteer officers who led the great fighting columns of the Union Army should have been equal to the rights of regular officers without discrimination.

It is seen that such was not the case in respect to retirement either on account of age or wounds in battle.

Congress has by legislation in special cases recognized the fact that the provisions of the general laws are wholly inadequate as a suitable recognition of the services of general officers. The unanimous action of both Houses of Congress at its last session placing amendments on an appropriation bill for retiring as Brigadier Generals two Generals of Volunteers, namely: General Joseph R. Hawley and General Peter J. Osterhaus signally emphasized this legislative opinion. This action by Congress has been

accepted by Volunteer officers who served in the same armies with Generals Hawley and Osterhaus as an authoritative example of Congressional legislation upon which citizens of the United States interested in the same subject matter can depend upon having repeated without discrimination, favoritism, or unnecessary delay.

This unanimous action of Congress was accepted as a justification for the bill now being considered by your Committee.

We respectfully submit that Congress having by unanimous consent established the principle of retiring volunteer Generals should not shrink from the responsibility of being governed by its own precedents.

We respectfully refer to the printed matter which has been furnished to the Committee.

Namely, a letter to Hon. James R. Mann, two letters to Hon. Knute Nelson, U. S. Senate, and a letter to Hon. Francis E. Warren, Chairman of the Committee on Military Affairs of the Senate, as fully setting forth the views of the petitioners in regard to this measure.

It was stated to the Committee in distinct terms in respect to an objection raised to the bill that its provisions should include officers of all grades, that this subject was in the hands of the Committee to be dealt with according to their best judgment. We recognize the claims of other officers. But by the passage of this bill officers of lower grades are not prejudiced, for Congress does not thereby exhaust its authority over this subject.

This bill was predicated upon the precedents established by Congress, namely, the retirement of Generals of Volunteers. A great merit of this bill is that the number of eligibles is known, so that the actual cost of the measure can be calculated almost to a dollar. The officers of junior grades are, in most cases, younger men; their claims can be considered later.

Amendments were prepared and left with the Committee making eligible commanding officers of regiments, who were unable to be mustered into service as colonels because of the reduction in numbers of their regiments; an amendment authorizing the retirement of an officer at the highest rank attained to by him in the service, and an amendment for the retirement of officers without reference to length of service, who on account of wounds received in battle were mustered out or resigned from the service. These amendments your petitioners regard with favor.

The subject of reducing the age limit was discussed before your Committee. As a matter of principle the age limit of the Regular Army should be the age limit for the Volunteer Retired List. The framers of the bill, however, decided to propose such a conservative measure as to age and length of service for eligibility as would commend it unreservedly to the sense of justice of Congress, leaving of course to the considerate judgment of our law-makers the question of fixing the age limit at 64 years.

Attention was called to the great death list of Civil War Veterans on the pension roll, being more than 268,000 men in ten and a half years, and it was pointed out that the reduction in the expenditure on account of pensions to these veterans would more than offset the appropriation for the proposed Volunteer Retired List. The attention of your Committee was also invited to the extreme old age of a large majority of these petitioners, thus showing that in the nature of things payments could not continue long to any of those who might apply for retirement.

We respectfully refer to the list of Officers who would be eligible to retirement under the bill now before you if it should become a law. An inquiry into their records will show that they all had long service in the field in the great campaigns and battles of the war.

These men entered the service in 1861 and 1862, and most of them remained in the service until the close of the war. In presenting this measure to the consideration of your Committee the statement was made that these surviving Generals represent every great army, every important campaign, and every great battle of the Civil War. I now have the honor to lay before you, and to invite your attention, to the military records of a large number of these officers.

To make these Records of Service easily understood I have prepared a tabular statement of them based upon seventy of the principal campaigns and battles of the war, thus showing the connection these survivors had to those great campaigns and battles.

These papers present a most remarkable record, fully verifying the broad statement made before your Committee in respect to the services of these petitioners. A number of these officers were in the first campaigns of the Eastern Army of Virginia, West Virginia and Maryland. The early battles in West Virginia up to Bull Run, the Peninsular Campaign, Malvern Hill, Second Bull Run, Fredericksburg, Chantilly, Antietam, Chancellorsville and Gettysburg are well represented. In the Western Army many of these officers were in the following named battles : Fort Donelson, Pittsburg Landing, Siege of Corinth, Battle of Corinth, Arkansas Port, Vicksburg Campaign and Capture of Vicksburg, Pea Ridge, Prairie Grove, Lookout Mountain, and Missionary Ridge.

In the operations along the seaboard in North Carolina, South Carolina, Georgia, Florida and Louisiana, including the siege of Wilmington, Charleston and other important strongholds, a number of these officers were engaged.

In the great final struggle of 1864 and 1865, the Wilderness campaign—the Atlanta campaign, with their great battles, the capture of Atlanta—the campaign of Sheridan in the Shenandoah Valley, the March to the Sea, Franklin, Nashville, Sherman's campaign through the Carolinas, Bentonville, Petersburg, Richmond, Five Forks, Appomattox, Raleigh, the Grand Ravine, are all well represented by these survivors.

We now respectfully urge favorable action by your Committee, and the prompt passage of the bill in accordance with the precedent established by the last Congress.

Your petitioners are unable to understand upon what grounds this bill can be objected to, in view of the fact that it was under the leadership of the able and experienced legislators who control the legislation of this Congress, that the precedent of retiring Volunteer Generals of the Civil War was established by the last Congress. It is respectfully submitted that the existing state of the law in recognition of the services of General Officers of Volunteers who commanded in the field during the Civil War, is not creditable to the judgment and great patriotic heart of the American people.

Your petitioners believe that the legislation asked for is just, and that it will meet the approbation of the public opinion of the country.

Very respectfully,

Your obedient servant,

GREEN B. RAUM.

SOME POSSIBLE OBJECTIONS ANSWERED.

The following memorandum is intended to meet the only objections which have been suggested to the pending Congressional legislation for creating a Volunteer Retired List in the War Department.

OBJECTION FIRST.

"It is unfair to discriminate. Let us provide for all former volunteer officers of the Civil War or for none."

Answer:

(1) If this objection is raised in Congress, then let Congress follow the precedent of 1828 and include all grades of honorably discharged commissioned officers of the Civil War, with such conditions as to service as it may determine. If such a course is practicable at this time, it has the emphatic approval of those who would be beneficiaries under the present limited bill.

(2) On the other hand if in the judgment of Congress the cost of now including all grades prohibits such a course at this time, that fact constitutes no bar to the present adoption of a practicable, because less comprehensive, measure. In any case it is not too early to make a beginning in the right direction.

(3) But all possible ground for objection because of discrimination is removed by the fact that the surviving officers included in the present measure have an average age (about 74 years) seven to ten years higher than the average age of surviving officers of the other grades. This seniority in age and consequent greater relative reduction in numbers by death, (quite apart from their seniority in former rank) entitle them to prompt consideration at the hands of Congress, before their hour has passed. The present enactment of the pending limited bill would not prejudice but would greatly aid the surviving officers of junior grades in any movement for beneficial legislation which may subsequently be inaugurated in their behalf.

OBJECTION SECOND.

"There is now a deficit in the Treasury; hence Congress must economize in public expenditures, and new matters requiring appropriations must wait."

Answer:

(1) A competent financial authority, commenting on the present Treasury situation, says:

"There is no deficit in the National Treasury; on the contrary there is an adequate surplus. Just now, through an inadvertent failure of the government experts to make accurate advance estimates of federal income and outgo, current national disbursements temporarily and slightly exceed current receipts. This is technically called a deficit in the national revenue. As heretofore, this will be promptly and easily corrected by a slight increase in certain items of taxation or a slight decrease or economy in certain flexible items of expenditure, or partly by each. The usual method of closing such a fiscal gap will doubtless be employed, by cutting off or deferring appropriations for certain quasi-luxuries or non-essentials in national expenditures, such as superfluous public buildings and unnecessary river and harbor improvements—which can wait.

"Meantime the existing surplus in the Treasury, which may be called the Government's cash working capital, provides a sufficient margin for meeting all maturing requirements until income is again adjusted to necessary outgo. It is from such a surplus that the Government has recently advanced some sixty million dollars toward the cost of the Panama Canal, without increasing taxation. Obviously the return of this fund to the Treasury surplus, and the remaining cost of the Canal, should be provided for by the issuance of bonds, so that the Canal may be treated as an investment and not as a current expenditure. No government obligation is ever ignored or postponed, no essential appropriation is ever held up, because of these occasional and transient periods of insufficient revenue."

(2) On the other hand the American people, whose wealth stands behind the National Treasury, were never more abundantly able or more willing to meet every legitimate obligation, legal or equitable. There never was a time when the plea of poverty or of needed economy on their behalf, as against the prompt recognition of such an obligation, would have seemed more gratuitous and groundless than now. The present abounding wealth and

prosperity of the nation is aptly summarized in President Roosevelt's recent Thanksgiving Proclamation where he says:

"During the past year, we have been blessed with bountiful crops. Our business prosperity has been great. No other people has ever stood on so high a level of material well-being as ours now stands."

In more specific form the Secretary of Agriculture, in his annual report for 1905, just made public, thus reinforces the President's graphic statement as to the phenomenal and persistent prosperity of the country:

"Another year of unsurpassed prosperity to the farmers of this country has been added to the most remarkable series of similar years in the annals of the world's agriculture. Production has been unequalled. The value of the farmers' national surplus has built up the balance of trade by successive additions for many years sufficient to change the nation from a borrower to a lender; there is a continuation of the unprecedented savings which have embarrassed local banks with their riches and have troubled farmers to find investments; and, as if all these manifestations of a high degree of well-being were not enough, the farms themselves have increased in value to a fabulous extent. Farm crops have never before been harvested at such a high general level of production and values."

And all other lines of industry and business tell the same story of unexampled wealth and prosperity.

(3) In presence of these conditions, so well attested, the argument of necessary national economy will scarcely be urged in seriousness against a measure which is in itself both deserving and important and which, because of its peculiar environment, cannot be adjourned. In the nature of the case postponement of this legislation would mean its practical rejection. Inasmuch as the veteran officers who submit their present request have themselves delayed action until they have reached an average age much beyond three score and ten, the proposed measure, if it is to be a real benefit and not a mockery, must be enacted now. Its cost to the Government will at the outset be slight, and the yearly requirement will rapidly enough diminish and soon enough cease. In any event, the application of any required rule of economy should be fairly distributed and not fatally concentrated upon this measure of justice.

OBJECTION THIRD.

"The Nation has fulfilled its contract with these officers, paid them all it agreed to, and now owes them nothing."

Answer:

Few have cared to give expression to this view, and probably it is not entertained by many. A word regarding it is sufficient:

No civilized and solvent nation has ever yet considered its obligation to its defenders in a great, prolonged, sanguinary and successful war as discharged and cancelled by the money stipend handed to them by the army paymaster, usually in depreciated currency, during service. In the case of general officers in the Civil War that stipend was in many cases only sufficient to meet their necessary expenditures in the field.

Without an honorable exception in modern history, that obligation has been regarded and treated as including this: That the men who sacrificed their life-plans and upon the fighting line gave their best years and energies to the Nation in its danger and bitter need, shall, at life's sunset, receive at the hands of that Nation, in its resulting safety and opulence, substantially the modest honor and material benefit which are combined in the proposed legislation—and that without a suggestion that such recognition includes any element of gratuity. The American Republic, which has hitherto from its origin observed this rule of simple equity, will hardly be the first among nations to break the creditable record and set a conspicuous example of ingratitude linked with parsimony.

The surviving veteran officers who have submitted this reasonable request can safely leave the decision to their fellow countrymen in Congress, including both their contemporaries of the war period who witnessed the great conflict and those who have come to manhood since its close and by inheritance are enjoying its priceless benefits.

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IN THE SENATE OF THE UNITED STATES.

DECEMBER 18, 1905.

Mr. NELSON introduced the following bill; which was read twice and referred to the Committee on Military Affairs.

A BILL

To create in the War Department a special roll, to be known as the "Volunteer retired list;" to authorize placing thereon with pay certain surviving officers of the United States Volunteer Army of the civil war, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled.*

3 That there shall be, and is hereby, created in the War
4 Department a special roll, to be known as the "Volunteer re-
5 tired list," for certain surviving officers of the United States
6 Volunteer Army of the civil war.

7 SEC. 2. That upon written application to the Secretary
8 of War, and subject to the conditions and requirements here-
9 inafter contained, there shall be entered on said list the name
10 of each surviving major-general and brigadier-general of vol-
11 unteers in said Army and each surviving colonel of a volun-
12 teer regiment therein who was at any time appointed and
13 commissioned by the President, by and with the advice and

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1 consent of the Senate, as brigadier-general or major-general of
 2 volunteers by brevet on account of services rendered in said
 3 Army. Such entry on said volunteer retired list shall be
 4 subject to the following conditions and requirements, namely:
 5 Each person so entered shall have served as an officer or an
 6 enlisted man not less than two and one-half years in said Vol-
 7 unteer Army between April fifteenth, eighteen hundred and
 8 sixty-one, and July fifteenth, eighteen hundred and sixty-five,
 9 at least one year of which service shall have been in the field
 10 with troops; he shall have been honorably discharged from
 11 said service and shall have reached the age of seventy years;
 12 he shall not belong to the Regular Army and shall not have
 13 been retired; said application to be accompanied with proof
 14 of the identity of the applicant, and both the application and
 15 proof to be under oath.

16 SEC. 3. That each applicant whose name shall be entered
 17 upon said list shall be so entered as of the actual rank held
 18 by him at the date of his discharge from said Volunteer Army,
 19 and when so entered on said list he shall be paid, out of any
 20 money in the Treasury not otherwise appropriated, three-
 21 fourths pay according to his said actual rank, which pay shall
 22 be the same as that now received by retired officers of like
 23 rank in the Regular Army, and shall be paid in like manner;
 24 said pay to begin on the date of filing his said application

1 with the Secretary of War and to continue during his natural
 2 life.

3 SEC. 4. That each person who shall receive pay under
 4 this Act shall thereby relinquish all his right and claim to
 5 pension from the United States after the date of filing said
 6 application, and any payment of such pension made to him
 7 covering a period subsequent to the filing of his said applica-
 8 tion shall be deducted from the amount due him on the first
 9 payment or payments under this Act; the pay allowed by
 10 this Act shall not be subject or liable to any attachment, levy,
 11 lien, or detention under any process whatever; and persons
 12 whose names are placed upon said list shall not constitute any
 13 part of the United States Army.

"VOLUNTEER RETIRED LIST"

We claim that in time of war officers of the same rank, performing the same duties, and incurring the same hazards, should be entitled under equal laws to the same rights, honors and emoluments, whether they belong to the Regular or Volunteer forces.

Regular Armies are maintained for service in times of war; but it was the policy of the National Government to prosecute the war for the Union with Volunteers and not by creating a large regular Army: These Volunteers fought in the greatest war of the ages and preserved the Union.

It was obviously unjust after the Volunteers had performed this momentous service for the country that the Generals of that service should be systematically discriminated against.

Under the Act of June 28th, 1866, officers of the Regular Army who had received commissions of higher rank in the Volunteer service were retired with three-quarters pay of the rank of their command in the Volunteer Army; Captains were retired as Major Generals but no volunteer officer who did not hold a commission in the Regular Army was retired, however great his command, however brilliant his service, however serious his disabilities from wounds or otherwise, or however advanced his age.

Under the Act of April 23, 1904, 354 officers who had served with credit during the Civil War and were then on the Retired List were re-retired with the rank and retired pay of one grade above that actually held by them at the time of retirement; 254 of these officers had served in the Volunteer Army of the Civil War and many of them had been retired for thirty years. Thus it is seen that Congress has imputed great merit to Volunteer service when performed by an officer holding a commission in the Regular Army. The only recognition made by General Law for surviving Generals of Volunteers of the Civil War is a pension under the Act of June 27th, 1890, of \$6.00 per month at 62 years of age; \$8.00 per month at 65; \$10.00 per month at 68, and \$12.00 per month 70 years of age.

By the Act of March 3rd, 1905, Congress provided for the retirement of General Joseph R. Hawley and Peter J. Osterhaus as Brigadier Generals with three-quarters pay of that rank. These officers were of the Volunteer Army, - they had never been commissioned in the Regular Army, and had been out of the military service for 39 years, but Congress recognizing the fact that the Pension Act of June 27th, 1890, was not an adequate recognition of the military services of these men during the Civil War provided for their retirement. Nothing can be said in abatement of the valuable services of these two officers; but nothing can be said to justify their retirement that is not applicable to the other surviving Generals of the Civil War.

We now ask to be treated equally with these officers without discrimination or favoritism.

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Under the Act of April 23, 1864, 384 officers who had served with credit during the Civil War and were then on the Retired List were re-retired with the rank and retired pay of one grade above that actually held by them at the time of retirement. 256 of these officers had served in the Volunteer Army of the Civil War and many of them had been retired for thirty years. Thus it is seen that Congress has imputed great merit to Volunteer service when performed by an officer holding a commission in the Regular Army. The only recognition made by General Law for surviving Generals of Volunteers in the Civil War is a pension under the Act of June 27th, 1890, of \$5.00 per month at 25 years of age, \$8.00 per month at 30; \$10.00 per month at 35, and \$12.00 per month 40 years of age.

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