

**PER DIEM SERVICE PENSIONS.
HEARING BEFORE THE COMMITTEE
ON PENSIONS OF THE UNITED
STATES SENATE; 57TH CONGRESS,
1ST SESSION, DOCUMENT NO. 361**

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Per Diem Service Pensions. Hearing before the committee on pensions of the United States Senate; 57th congress, 1st Session, Document No. 361 by Various

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PER DIEM SERVICE PENSIONS.

HEARING

BEFORE THE

U. S. Congress Senate

COMMITTEE ON PENSIONS

OF THE

UNITED STATES SENATE

ON THE BILL (S. 1890) GRANTING PER DIEM SERVICE PENSIONS TO
HONORABLY DISCHARGED OFFICERS AND ENLISTED MEN
OF THE UNION ARMY IN THE CIVIL WAR.

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WASHINGTON, D. C., *Monday, May 12, 1902.*

The committee met at 10.30 a. m.

Present: Senators Gallinger (chairman), Deboe, McCumber, Scott, Foster, of Washington, Taliaferro, and Gibson.

John P. Donahoe, of Wilmington, Del.; J. Edwin Browne, of Washington, D. C.; H. M. Avis, of Camden, N. J., and Gen. W. W. Dudley, of Washington, D. C., representing the Union Veteran Legion, appeared.

OPENING STATEMENT OF THE CHAIRMAN.

The CHAIRMAN. I will state to the members of the committee present that at the request of certain gentlemen I promised that they should have a hearing this morning on Senate bill 1890, introduced by Senator Penrose, which is a bill granting per diem pension service to honorably discharged officers and enlisted men of the Union Army in the civil war. The title is evidently defective. I presume it was intended to read "A bill granting per diem service pensions" in place of "pension service." The bill is as follows:

"*Be it enacted, etc.*, That all officers and enlisted men who served in the Army, Navy, or Marine Corps of the United States between the fourth day of March, eighteen hundred and sixty-one, and the first day of July, eighteen hundred and sixty-six, who have heretofore been honorably discharged, or shall hereafter be honorably discharged, from such service, shall be entitled, on application, to receive a pension from the Government, to wit, a sum per month equal to one cent per day for every day served; and in computing said service all such service rendered within the said dates shall be taken into consideration, and said pensions shall date from the filing of the application therefor.

"SEC. 2. That the Secretary of the Interior shall prescribe such rules and regulations as may be necessary to carry into effect the provisions of this act."

Now, gentlemen, you may arrange the hearing to suit your convenience. Our time is very limited and you may proceed in your own way.

General DUDLEY. I should like to introduce ex-National Commander John P. Donahoe, who is chairman of our pension committee of the Union Veteran Legion, of which I have the honor to be a member. He has had charge of this matter on behalf of the committee on pensions of that order for a great many years, and, as he has just remarked to me, the matter has been pared down and boiled down by that committee until they have reached what they think to be the lowest possible terms as to section, verbiage, etc., to embrace all the points.

Mr. DONAHOE. Gentlemen, I understand that your time is limited, and I shall try to be as brief as possible, for I should like General

Dudley to follow, as he has the memoranda, with some remarks in the line of Senator Quay's bill, which is a pension measure also.

The CHAIRMAN. Excuse me, but what bill is that?

General DUDLEY. It is Senate bill 722.

The CHAIRMAN. Have you a copy of it, General?

General DUDLEY. Yes, sir.

The CHAIRMAN. I should like to look at it, please.

General DUDLEY. An amendment has also been proposed to it by Senator Penrose.

Senator TALLAFERRO. If it is not long, Mr. Chairman, I suggest that you read it, so that we can have all these measures before us.

The CHAIRMAN. I will do so.

General DUDLEY. It is germane to this proposition and along the same line.

The CHAIRMAN. The bill (S. 722) providing pensions to certain officers and men in the Army and Navy of the United States when 50 years of age and over, and increasing widows' pensions to \$12 per month, is as follows:

"*Be it enacted, etc.*, That widows' pensions, heretofore granted, or hereafter to be granted, shall not be less than twelve dollars per month.

"Sec. 2. That the Secretary of the Interior is hereby directed to place on the pension roll, from and after the passage of this act, the names of applicants not already pensioned, and persons pensioned below twelve dollars per month, who served in the Army and Navy of the United States during the war of the rebellion, for at least ninety days, and were honorably discharged from each and every enlistment in said war, and the rate of pension shall be six dollars per month to claimants fifty years of age and under fifty-five years of age; eight dollars per month to claimants fifty-five years and under sixty years of age, and twelve dollars per month to claimants sixty years of age and over: *Provided*, That no pension shall be paid to any such pensioner for the time he is supported in a State or National Home, but the pension so withheld may, at the discretion of the Pension Commissioner, be paid to the wife of such pensioner or to his minor children under sixteen years of age when in needy circumstances. Pensions under the provisions of this act shall begin from date of filing the application in the Pension Department.

"Sec. 3. That no agent, attorney, or other person engaged in preparing, presenting, or prosecuting any claim under the provisions of this act shall, directly or indirectly, contract for, demand, receive, or retain for service in preparing, presenting, or prosecuting such claim a sum greater than ten dollars, which sum shall be payable only upon the order of the Commissioner of Pensions by the pension agent making payment of the pension allowed; and any person who shall violate any of the provisions of this section, or who shall wrongfully withhold from a pensioner or claimant the whole or any part of a pension or claim allowed or due such pensioner or claimant under this act, shall be deemed guilty of a misdemeanor and upon conviction thereof shall, for each and every such offense, be fined not exceeding five hundred dollars, or be imprisoned at hard labor not exceeding two years, or both, in the discretion of the court, and be barred from further practice in any department of the Government.

"Sec. 4. That the Secretary of the Interior is hereby empowered

to make all rules, regulations, forms, and so forth, necessary to prosecution of claims for pension under this act.

"SEC. 5. That such provisions of the act of June twenty-seventh, eighteen hundred and ninety; act of May ninth, nineteen hundred, and all other acts or parts of acts inconsistent with this act, shall be, and the same are hereby, repealed."

To that bill there is a proposed amendment pending, offered by Senator Penrose, which is as follows:

Strike out all of section 2 and insert in lieu thereof the following:

"SEC. 2. That the Secretary of the Interior is hereby directed to place on the pension roll, from and after the passage of this act, the names of applicants not already pensioned and persons pensioned below twelve dollars per month who served in the Army and Navy of the United States during the war of the rebellion, the Spanish-American war, or the war in the Philippines for at least sixty days, and were honorably discharged from each and every enlistment in said wars; and the rate of pension shall be six dollars per month to claimants fifty years of age and under fifty-five years of age; eight dollars per month to claimants fifty-five years of age and under sixty years of age, and twelve dollars per month to claimants sixty years of age and over: *Provided*, That no pension shall be paid to any such pensioner for the time he is supported in a State or National Home, but the pension so withheld may, at the discretion of the Pension Commissioner, be paid to the wife of such pensioner or to his minor children under sixteen years of age when in needy circumstances. Pensions under the provisions of this act shall begin from date of filing the application in the Pension Department."

Now, gentlemen, we will consider these two bills at the same time. Mr. Donahoe, you may proceed.

STATEMENT OF JOHN P. DONAHOE.

Mr. DONAHOE. Gentlemen, I will take up our bill, Senate bill 1890, called the Union Veteran Legion bill. I will preface what I have to say by the statement that 200,000 men, representing largely and almost entirely those who joined the Army in 1861 and 1862, have never applied for a pension. Their names do not appear on any paper at all here asking for pensions, because they have been dissatisfied with the present pensions and the way they had to go about it to get them.

Senator FOSTER, of Washington. Seventy-five thousand men were called out in 1861 for ninety days?

Mr. DONAHOE. Yes, sir.

Senator FOSTER, of Washington. Are not any of those on the pension rolls?

Mr. DONAHOE. I am not able to answer that. All went in for three months. I presume quite a number of them got in. I have no figures to show. The War Department gave me those figures five years ago when I was national commander.

Senator TALIAFERRO. Of what class are you now speaking?

Mr. DONAHOE. The 75,000 three-months men.

Senator TALIAFERRO. Which class is not on the rolls at all?

Mr. DONAHOE. This class entered the Army in 1861 and 1862. They were the first volunteers.

Senator TALIAFERRO. There were 75,000 of them?

Mr. DONAHOE. Yes, sir; those were the three months' men. I have here from the Commissioner of Pensions the fact I mention—that there are 200,000.

General DUDLEY. I may state that of the 75,000 original enlistments in the first three months' service there is hardly an exception but that they reenlisted immediately for the first three years' call.

Senator FOSTER, of Washington. A great many of them did, I know.

Mr. DONAHOE. In one paragraph here the Commissioner of Pensions says:

"It is estimated that there are 200,000 survivors of that war (deserters excluded) who have not received any pension."

That is the class for which I claim your favorable attention. They have been unable, and unwilling, perhaps, to apply for a pension. There were 270,000 and some hundred when I was national commander about five years ago. Death has reduced the number, of course, and perhaps some of them have gone on the pension roll, having been obliged to apply for pensions. The class I want to call attention to as representing the Union Veteran Legion will not take the pension as they have to apply for it now.

The per diem pension bill that we are advocating here gives one penny a day for all the time the soldier served, which constitutes a rate per month corresponding with the length of service. I will elucidate it as I go along. That would be \$3.65 cents for one year, the rate per month for a soldier who had served one year. For two years it would be just double that amount, and for three years triple the amount, and so on. You follow me, do you not?

Senator TALIAFERRO. Yes.

Mr. DONAHOE. I think I make myself clear.

The CHAIRMAN. Kindly state to the committee why those men object to going on the pension roll under existing laws.

Mr. DONAHOE. Senator, the main reason why they will not go under the act of 1890 is that they call it the pauper pension. It is given to all classes regardless of service. We claim that "we are the people" among the soldiers who fought down the rebellion from the beginning to the end of it.

That is one of the reasons, Senator. The other reason is their inability now, if they so desired, to furnish the proof demanded by the Pension Bureau, owing to the fact that their comrades had been scattered to such an extent and for such a number of years that it is impossible to refresh their memories so that they can give any testimony at all that the Bureau will take. That is why we are in such a predicament.

Senator TALIAFERRO. You will have to furnish that proof under this bill, will you not?

Mr. DONAHOE. No; I beg your pardon, Senator. All that is required is an honorable discharge, certified by the War Department.

The CHAIRMAN. To make it clear to the committee, Mr. Donahoe, state specifically what you mean by a "a sum equal to one cent per day for each day served." What would that amount to by way of pension for a man who had served two years or three years?

Mr. BROWNE. It would amount to \$10.95 per month for the three-year man.

Senator FOSTER. Each month?

Mr. DONAHOE. Yes, sir.

The CHAIRMAN. In other words, a man who served one year would be entitled to a pension of \$3.65 a month.

Mr. DONAHOE. That is correct. It is payable by the month, computed by the year, or rather by the day. It is a penny a day, you understand, Senator, computed by the month. I think the bill reads that way if you will look at it again.

The CHAIRMAN. That is the very point I wanted to bring out. I thought I understood it, but an observation of yours impressed me differently. For a service of one year the pension would be \$3.65 per month or \$43.80 per year. Is that correct?

Mr. DONAHOE. Yes, sir.

Senator TALIAFERRO. If he has served two years he will get twice that sum.

Mr. DONAHOE. Yes.

The CHAIRMAN. Now proceed with your statement.

Mr. DONAHOE. We appear here, gentlemen, as a committee appointed by the organized veterans of the war of the rebellion from 1861 to 1865, who have served through that awful period and who now, in the declining years of their lives, wish to be able to participate in the provisions made for them by the many legislative acts bearing upon pensions for their relief. They are now deprived of the benefit of these provisions by the present laws governing the Pension Bureau, mainly through the great difficulty and almost impossibility of procuring such evidence as will satisfy the Pension Bureau and enable them to obtain pensions. They have drafted a most simple and direct method of overcoming the now prevailing obstacles, namely, as represented in Senate bill 1890, introduced by the Hon. Boise Penrose, of Pennsylvania, and now before the Senate Committee on Pensions, which provides that a pension may be allowed to each honorably discharged soldier at the rate of 1 penny a day, computed by the month, for the term of his service. This, we feel, will affect, in a just and equitable manner, all concerned.

The committee will readily understand that a man who served for a term of four years during the war of the rebellion, although he may not have suffered from wounds (which could only come by his good luck), may still have contracted the seeds of some disease, which has developed with the years that have elapsed and is now responsible for his debilitated condition, which prevents him from earning a livelihood which he would have been able to do had he not undergone such privations and sufferings in the service of his country.

We beg to call your attention especially to the class of men who now suffer most, namely, those who entered the service at the beginning of the rebellion in 1861, and particularly in 1862. They at that time received no bounty; neither did they ask for any remuneration at all. There were 200,000 of this class of men; they served three and four years, and many of them are now disabled, yet they have not even asked for a pension under the prevailing conditions.

What we most desire to impress upon you is the importance of doing justice to this class of veterans. The action we urge entails no injustice upon any others, as under our bill every veteran would get his per diem for the services rendered by him. Moreover, the bill itself is so simple in its workings that very large sums of money would be saved to the Government that could be applied directly to the benefit of the veterans by reason of dispensing with large clerical expenses in the

Bureau of Pensions as at present organized, namely, for special examiners, medical boards, and pension attorneys. This is so because the provisions of our Senate bill would only necessitate a showing of honorable discharge and approval thereof by the War Department.

Pension legislation so far has been for the benefit of the invalids who fell by the wayside and could not endure army service, and others who soon found that they were not physically able to endure the inevitable hard knocks. The stronger ones, who weathered the storm, who escaped bullets and disease and incurred no wounds or ailments in service upon which to base a claim, have never been provided for.

You will all agree that it is high time that some pension legislation should be had for those who served the country in its time of need, who are now poor in health and purse, ere they join the silent army where pensions are no more needed. It is forty-one years since the beginning and thirty-seven years since the termination of the gigantic rebellion. The Government has made precedents in this direction in providing for service pensions for the Mexican war soldiers, whose services can not in any way be compared with those rendered by the survivors of the war of the rebellion.

We feel assured, gentlemen, that if you will take up this measure in the spirit in which we have endeavored to present it to you it will meet with your approval. By passing this bill you will perform an act of justice to the deserving and worthy old soldiers, who will then, for the few remaining years allotted to them, obtain the benefits of which they have been so long deprived.

We feel that enough has now been said, and we rest the matter in your hands as the representatives of the loyal people of the country, who have almost unanimously declared that justice should be done the deserving old veterans who fought out to a successful victory the most bloody and destructive war of any age, namely, the great war of the rebellion.

The CHAIRMAN. Now, Mr. Donahoe, what are you going to do with those on the pension roll under the act of June 27, 1890, if we pass a bill of this kind? In other words, you claim that the class to which you and the soldiers for whom you are pleading belong had a longer and better service than those who have been pensioned under the act of June 27, 1890.

Mr. DONAHOE. We do.

The CHAIRMAN. Under that act a man who served ninety days if unable to perform manual labor, is entitled to a pension of \$12 a month, or \$144 a year.

Mr. DONAHOE. Yes, sir.

The CHAIRMAN. One of your men, who had, you say, a better service, will get under this bill only \$3.65 a month.

Mr. DONAHOE. Yes, sir.

The CHAIRMAN. Is not that going to make trouble—

Senator TALIAFERRO. That is for each year. If he served four years he would get four times that amount.

The CHAIRMAN. I understand that; but in the other case the man who served ninety days gets \$12 a month.

Mr. DONAHOE. One hundred and forty-four dollars a year, Senator.

The CHAIRMAN. Certainly. Do you not think that that inequality would give rise to a good deal of dissatisfaction and discontent?

Mr. DONAHOE. Why, Senator, I will answer you that I do think it would. I believe that any service pension you might give us in the