

DAVID H. MOFFAT.

JANUARY 30, 1906.—Ordered to be printed.

Mr. PETTUS, from the Committee on Military Affairs, submitted the following

REPORT.

[To accompany S. 584.]

The Senate Committee on Military Affairs, having considered the above stated bill and the evidence offered to sustain it, respectfully report and recommend the passage of said bill.

The evidence on which said bill is based and the reasons for the recommendations are fully stated in the report (No. 3922) made by Senator Cockrell for the Committee on Military Affairs on the 16th day of February, 1905, on a similar bill, which report so made by Senator Cockrell is herewith submitted:

The Committee on Military Affairs, to which was referred the bill (S. 706) for the relief of David H. Moffat, have duly considered the same and submit the following report:

Your committee attach to and make a part of this report the verified petition of Captain Moffat and the affidavits of Senator Teller and Irving Stanton. There can be no question that Mr. Moffat was appointed captain by the governor of Colorado and performed valuable services, but was never mustered into the United States volunteer service by any United States mustering officer.

The bill simply gives him recognition as such captain and gives him no pay, bounty, pension, or allowance of any kind whatever.

Your committee recommend the passage of the bill with the amendments indicated.

STATE OF COLORADO, *County of Arapahoe, ss, or City and County of Denver, ss:*

In the matter of the petition of David H. Moffat for muster as captain of Company B, Third Colorado United States Cavalry Volunteers, and as major of the same regiment.

David H. Moffat, of the city of Denver and State of Colorado, the applicant herein, being duly sworn, on his oath deposes and says that he is the same person who was appointed adjutant-general of Colorado Territory, on November 21, 1862, and who was commissioned as captain of Company B of the Third Regiment Colorado, United States Cavalry Volunteers, which commission was dated August 20, 1864, and that he was afterwards commissioned major of said regiment on September 17, 1864.

He further deposes and says that as said captain of Company B and as major of said regiment he assisted in organizing and recruiting said regiment, and was ordered and directed by John Evans, then governor of the Territory of Colorado, to then recruit and assist in organizing said regiment, and for such a purpose to remain in Denver, in said Territory, and assist the said governor and the State authorities in organizing, recruiting, and furnishing troops for the Government service of the United States, and to aid in forwarding such troops and supplies therefor to various places wherever needed, which he (this affiant) did continuously while he held such commissions. That he was not mustered under such commissions through any fault of his own, but that he, at the time he held said commissions, greatly desired and was anxious to be mustered, but through the persuasion and orders of said governor, who informed affiant that he could be of more use and service to the Government in Denver than anywhere else, he continued to assist in such recruiting and forwarding recruits for the Army of the United States, and also forwarding supplies for such Army from Denver. That he hired teams and wagons for such purpose, often at his own expense, and paid for the same to the amount of considerable sums of money, for which he has never been reimbursed, and which he does not now, nor did he at any time, expect to ask any reimbursement from any source for said outlay, or any part thereof.

That at several times while he held said commissions he was ready, able, willing, and expressed his anxious desire to join the regiment in which he was commissioned, but was ordered and requested by said governor to remain on duty at Denver, and among other duties assumed by him he acted as quartermaster and assistant commissary of subsistence in said city of Denver, and further says that he did all the things mentioned herein, and many others, in the line of such duty by the concurrence and directions of the commanding officer of said Third Regiment of cavalry, as well as said governor. That many times when he desired to be mustered under said commissions there was no mustering officer to perform such service, but while he held such commissions he was continually in such services as are herein outlined for the Government of the United States.

That when he was relieved from recruiting service, by an officer whose name he does not now remember, he wished then to join his said regiment, but was kept from so doing by said governor and the commanding officer of said regiment, who desired his services as above set forth and as adjutant-general of the Territory, in which offices he continued in active service of the nature said out until May 4, 1865.

He further says that he does not desire to be mustered under said commissions for any pay or emoluments thereof, nor will he ask or receive the same, and expressly waives any right or demand to receive the same, but he prays, if the same can possibly be done, that he be mustered according to said ranks of captain and major in the United States service according to said commissions, believing that his services rendered to the Government of the United States merit such reward, and he most respectfully petitions and requests that such muster may be allowed, and for all proper orders in the premises.

Respectfully submitted.

DAVID H. MOFFAT.

STATE OF COLORADO, *County of Arapahoe, ss, or City and County of Denver, ss:*

Personally comes the above-named petitioner, David H. Moffat, who being duly sworn, on his oath deposes and says that he has read the above and foregoing petition signed by him, and is acquainted with the facts therein set forth, and that said facts are true to the best of his knowledge and belief.

DAVID H. MOFFAT.

Subscribed and sworn to before me this 19th day of December, 1902.

[SEAL.]

THEODORE G. SMITH, *Notary Public.*

(My commission expires April 1, 1905.)

(My commission expires December 1, 1906.)

STATE OF COLORADO, *County of Arapahoe, or City and County of Denver, ss:*

Henry M. Teller, being first duly sworn, on his oath says that he has been a resident of Colorado since the 20th day of April, 1861, and that he assisted to the best of his ability in the organization of the First, Second, and Third Colorado regiments during the civil war.

That on the 10th day of March, 1864, affiant was appointed major-general of the militia of Colorado, which position he held until January 13, 1867, when he resigned.

Affiant says that he has been acquainted with David H. Moffat and knows he was adjutant-general of Colorado from November 21, 1862, until May, 1865; and affiant has read the affidavit of said Moffat, subscribed and sworn to on the 19th day of December, 1902, and affiant believes that the same is correct, and that the reason why the said Moffat was not mustered into the service of the United States was as stated by said Moffat in said affidavit.

Affiant says during the time said Moffat held the several positions mentioned in his affidavit affiant was in frequent consultation with Hon. John Evans, governor of Colorado, concerning military affairs, and especially concerning the officers of the Third Colorado Volunteer Cavalry.

HENRY M. TELLER.

Subscribed and sworn to before me this 30th day of December, A. D. 1902.

[SEAL.]

HENRY B. TELLER, *Notary Public*.

(My commission for Arapahoe County expires October 3, A. D. 1906. My commission for city and county of Denver expires December 1, 1906.)

STATE OF COLORADO, *County of Arapahoe, ss:*

In the matter of the petition of David H. Moffat, for muster as captain of Company B, Third Colorado United States Cavalry Volunteers, and as major of the same regiment.

Personally comes Irving Stanton, who, being duly sworn, on his oath, says: That he is a resident of the city of Pueblo, in the State of Colorado; that during the war of the rebellion he was a private and second lieutenant in Third Colorado Infantry and first lieutenant in Second Colorado Cavalry Volunteers; that he has been personally well acquainted with the said David H. Moffat since the year 1860, which acquaintance has continued uninterruptedly to this time; that he has read with care the petition and affidavit of the said Moffat concerning his services and the position occupied by him during the war of the rebellion, which affidavit is dated the 19th day of December, 1902, and to which petition and affidavit this affidavit is subjoined and appended; that after having read said petition and affidavit of the said Moffat, and being well acquainted with the contents therein set forth, he says that he was personally well acquainted with many of the facts therein set forth and knows of his own knowledge that the same are true, and that all of the facts set forth in said petition with which he was not personally acquainted he understood at the time from reliable information that the same were true, and according to the best of his knowledge, information, and belief said petition and the facts therein set forth are true.

And he states for himself and a large number of other persons, and with all of whom he has consulted of the officers and soldiers of the war of the rebellion, he, the affiant, and they would be greatly gratified if said petition could be granted as an act of justice to the said David H. Moffat.

And he further saith not.

IRVING W. STANTON.

Subscribed and sworn to before me this 17th day of January, A. D. 1903.

[SEAL.]

FLOYD R. LILYARD, *Notary Public*.

(My commission expires June 21, 1905.)

○

