

69TH CONGRESS }
1st Session }

HOUSE OF REPRESENTATIVES

REPORT

No. 1218

JAMES K. P. WELCH

MAY 17, 1926.—Committed to the Committee of the Whole House and ordered
to be printed

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

REPORT

[To accompany H. R. 820]

The Committee on Military Affairs, to whom was referred the bill (H. R. 820) for the relief of James K. P. Welch, having considered the same, report thereon that the same do pass with the following amendments:

After the word "as" in line 7 add the following: "of the date August 31, 1864, as."

After the word "pension" in line 9 add a comma and the following: "back pay, bonus, or allowance."

The records in the War Department show that James K. P. Welch was enrolled December 30, 1863, at Silverville, Ind., and was mustered in January 13, 1864, as a private of Company I, Fifty-ninth Indiana Volunteer Infantry, to serve three years. He was shown to be admitted to hospital February 11, 1864, and to have been under treatment until March 9, 1864, when he was furloughed. From that date on there is no further official record of Mr. Welch, and he was dropped as a deserter on August 31, 1864. The soldier, James K. P. Welch, was born in October, 1844.

From affidavits submitted to the committee from James K. P. Welch, David Welch, and Annie Blakeman, it seems to be reasonably established that upon the granting of the furlough, of which record appears in the War Department, the said James K. P. Welch returned to the home of his people at Dye in Indiana in May, 1864, and that he remained with his family until after the close of the war in 1865. It appears from these affidavits that a provost marshal of the Army, Mr. O'Neil, visited the said James K. P. Welch at the home of his people, knew of the circumstances and conditions concerning his illness, and his furlough and that during his illness he was attended by Doctor Beever. It does not appear that the

said James K. P. Welch at any time undertook to mislead the officers of the Army in the matter of his separation from the service, while, on the other hand, the most reasonable assumption is that he believed his separation from the service was fully authorized; that he was on furlough pending his restoration to health.

It also appears that the first intimation the said James K. P. Welch had that he was regarded as a deserter was when he made application for pension about 1917, as a result of which application he was advised that he was listed upon the records of the War Department as a deserter.

It appears that James K. P. Welch is now a resident of Spalding, Idaho; that he is past 81 years of age; that he is unable to make a living for himself and that upon the basis of the facts connected with his military service it does not seem reasonable that the charge of desertion should be permitted to mar his record.

Accordingly, the committee recommends the passage of the bill for the relief of James K. P. Welch with an amendment fixing the date of expiration of his service and submits herewith certain affidavits and reports from the War Department giving more particularly the facts upon which the committee relies in making its recommendation.

HON. JOHN M. MORIN,
Chairman Committee on Military Affairs,
House of Representatives.

JANUARY 6, 1926.

SIR: I have your letter of January 2, 1926, in which, for the use of the Committee on Military Affairs of the House, you request a report in duplicate on H. R. 820, Sixty-ninth Congress, first session, a bill for the relief of James K. P. Welch, formerly a private of Company I, Fifty-ninth Indiana Volunteer Infantry, Civil War, and in reply, your attention is invited to the inclosed report in duplicate from The Adjutant General.

It is deemed proper to state that the proposed bill is defective in that it does not include a date of discharge, and it is suggested that if, notwithstanding the fact that the official records show the final record of this soldier to be desertion, it should be decided by the committee that he is entitled to beneficial legislation, that the bill be amended to include as the date of discharge, August 31, 1864, the date on which he was dropped as a deserter; which would give the soldier the 90 days' service necessary to a pensionable status.

Sincerely yours,

DWIGHT F. DAVIS,
Secretary of War.

STATE OF IDAHO.
County of Nez Perce, ss:

Comes now James K. P. Welch, whose residence is Spalding, Idaho, who being duly sworn on oath, deposes and says:

That I am 81 years of age, a citizen of the United States, of America, and a resident of Spalding, in Nez Perce County, Idaho. That I was born at Dye, Ind., 1844; that in the year of 1863 I enlisted in the Army, at Indianapolis, Ind., and January, 1864, I was mustered into service at Indianapolis, Ind., in Company I, Fifty-ninth Regiment, Indiana Infantry; that I served in said regiment until March, 1864, at which time became afflicted with the measles, and was sent to a hospital at Indianapolis, Ind., to be cared for, and at which I partially recovered and took a relapse, and was sent to my family home, at Dye, Ind., in May, 1864; was given at the time a furlough, in due and regular form; I remained with my family at Dye, Ind., until after the close of the war.

I never asked for a discharge, not knowing that I would ever be called upon to produce one; I was never a deserter from the Army, in any sense of the word, and Mr. O'Neil, a provost marshal, visited me and our family during my illness

and knew all the circumstances and conditions concerning my sickness, furlough, and recovery.

Mr. O'Neil died several years ago. I was attended during my illness by Doctor Beever, who is also dead.

I made an application for a pension, through Mr. J. B. West, about 1917 and again through Mr. I. C. Hattabaugh, in 1924, both of which have been disallowed claiming that the record of the War Department showed as a deserter, which is not true. I never was a deserter and could easily establish all of the facts showing the contrary were the officers of my company and regiment living now.

I am at present living on a little island in the Clearwater River, consisting of 21 acres; it is composed principally of scrub pines, gravel, rocks, and sand, which is all that I possess.

I have no other means of support and am unable to make a living for myself. I am all alone on this little island, my wife having died in 1896. Further deponent sayeth not.

JAMES K. P. WELCH.

Subscribed and sworn to before me, a notary public, this 18th day of August, 1925.

I. C. HATTABAUGH.

STATE OF ILLINOIS,
County of Clay, ss:

Comes now David Welch, whose residence is Sailor Springs, Ill., who being duly sworn on oath, deposes and says:

That he is the brother of James K. P. Welch, and that he is of the age of 76 years.

That in the matter of James K. P. Welch, he knows as follows:

That the said James K. P. Welch was born in about the year A. D. 1844, and at the age of about 19 years he enlisted in the military service of the United States, in some Indiana company, as we were living in the State of Indiana with our parents at that time. During the winter of 1863 and 1864 he was mustered into service, and served some two or three months, and then word came to my father that his son, James K. P. Welch, was sick and that he had been sent to the hospital at the camp at which he was located. I do not remember the name of the camp at which my said brother was stationed at this time. At some time during the spring of 1864 my said brother came home on a furlough, and I remember very distinctly that he was in very poor health when he arrived at home, as he had not recovered from the sickness he contracted while in the service, and that he remained in poor health for more than a year after arriving home, and was not able to go back into the service at any time during the duration of the Civil War. My brother did not intend to be a deserter, as I understand the records at Washington show, and he was not a deserter at heart. I knew of no such accusations charged against him until he applied for a pension. His stay at home at this time was no secret to our neighbors or to any one, and at least one of the Army officers came to see him several times during this illness. He was under the care of a physician during this time.

Further affiant states that his brother, James K. P. Welch, was married some few years after the Civil War, but can not remember the date of his marriage, neither do I remember his wife's maiden name, but his said wife is now dead, and he has not since been remarried to the best of my knowledge.

DAVID WELCH.

Subscribed and sworn to before me, a notary public, this 14th day of August, A. D., 1925.

[SEAL.]

W. O. BUNN.

STATE OF IDAHO,
County of Nez Perce, ss:

Comes now Anna Blakeman, whose residence is Spalding, Idaho, who being duly sworn on oath, deposes and says:

That she is the Anna Blakeman whose maiden name was Anna Welch, and that she is the sister of James K. P. Welch, and that she is of the age of 72 years.

That in the matter of James K. P. Welch, she knows as follows:

That James K. P. Welch enrolled December 27, 1863. In January, 1864, was mustered into service at Indianapolis, Ind., in Company I, Fifty-ninth Infantry.

He came home in May with the measles; he had a furlough. He was attended by Doctor Beever, our family doctor, at Dye, Ind. He partially recovered and then had a relapse, and was unable to return to the Army until after the close of the war.

The record in the family Bible shows that James K. P. Welch was born in October, 1844, which is now in my possession and known as the old family Bible.

We lived at Dye, Ind., until 1865, and James K. P. Welch remained at home with the family until fall of 1865, at which time we removed to Clay County, Ill., and such a thing as Mr. Welch being a deserter never entered our mind, as we knew all of the conditions and circumstances surrounding his sickness, furlough, and enlistment in the Army.

That I know of my own personal knowledge that Mr. James K. P. Welch is at this time in destitute circumstances. He has a little island in the Clearwater River, being about 21 acres, and is trying to make a living off of it, but owing to his mature age and other difficulties he is absolutely unable to make a living and has to depend upon others for support. He raises a little garden and a few chickens, but not a sufficient amount to support him.

The only way in which I am at all interested in the claim of Mr. James K. P. Welch is that he may have some support in his old age in order that he may not suffer from hunger or cold, and that his old age may not allow him to be sent to the county farm of this county.

I am a married woman, living with my husband at Spalding, Idaho. Further deponent sayeth not.

ANNIE BLAKEMAN.

Subscribed and sworn to before me, a notary public, this 18th day of August, 1925.

[SEAL.]

I. C. HATTABAUGH,

Notary Public, residing at Lewiston, Idaho.

CASE OF JAMES K. P. WELCH, PRIVATE, COMPANY I, FIFTY-NINTH INDIANA VOLUNTEER INFANTRY, CIVIL WAR

WAR DEPARTMENT,

January 6, 1926.

It is shown by the official records that James K. P. Welch was enrolled December 30, 1863, at Silversville, Ind., and was mustered in January 13, 1864, as a private of Company I, Fifty-ninth Indiana Volunteer Infantry, to serve three years. He is shown to have been admitted to hospital February 11, 1864, and to have been under treatment until March 9, 1864, when he was furloughed, but nothing has been found of record to show that he ever returned from his furlough, or that he ever joined the company to which he was assigned (which remained in service until July 19, 1865), and he was dropped as a deserter August 31, 1864.

The medical records show that this soldier was admitted to hospital, Camp Carrington, February 11, 1864, and transferred February 12, 1864; was admitted to City General Hospital, Indianapolis, Ind., February 12, 1864, with measles; was returned to duty March 2, 1864, and again admitted to post hospital, Camp Carrington, March 9, 1864, with debilitas, and furloughed on that date. No further medical record of him has been found.

In 1915, the former soldier, then a resident of Spalding, Idaho, applied through his attorneys to the War Department for an honorable discharge, and he testified as follows:

"That on or about the 1st of March, 1864, the said James K. Welch was taken down with the measles, in Camp Kerrington, and was taken to the hospital in Indianapolis, Ind., and remained there until May of that year, when I received a sick furlough and went home, and remained at home until the war was over; that he never received a written discharge from the Army."

In support of his application for an honorable discharge, and for removal of the charge of desertion standing against him on the official records, the former soldier submitted the affidavit of Annie Blakeman, aged 62, a resident of Clarks-ton, Wash., in which under date of June 3, 1915, she testified as follows:

"That she has been well and personally acquainted with James K. Welch, alias James K. P. Welch, for 50 years, and that she knows of her own personal knowledge that the said Welch was physically unable to be about during the month of March, 1864; that for a period of two years or more the said Welch

was in such a condition that his life was despaired of, which was occasioned by an attack of measles, and a relapse affecting his lungs; that the said sickness and relapse was during a period prior and a few months subsequent to the muster out of his said company; that after his recovery from said illness he did not return on account of his company being mustered out; that the name of the doctor attending the said Welch at the time of his sickness was Doctor Beaver, the given name of the said doctor being at this time forgotten."

Under date of June 25, 1915, David Welch, aged 64 years, a resident of Sailor Springs, Ill., testified as follows:

"That I have been well and personally acquainted with James K. P. Welch for 50 years, or more, as far back as I can remember, and that the claimant was a soldier in the Fifty-ninth Regiment of Indiana Volunteer Infantry; that the soldier came home on a sick furlough; he came home to his father's in Martin County, Ind. The post office was Dye. I think it was in the spring of 1862 or 1863; it has been so long ago, I was a boy and can't just remember. The soldier had the measles at or near Indianapolis, Ind., and had a relapse and was sent home, and the soldier was under the care of Doctor Beaver; he was never able to do any work for some years after he came home."

In an affidavit dated March 20, 1917, the former soldier again testified as follows:

"That he is a native-born citizen of the United States and past 72 years old, having been born in the year of 1844 in Martin County, State of Indiana, and Bedford was the county seat of Lawrence County; and that was the county in which affiant and applicant was enlisted, and was enrolled December 30, 1863, at Silversville, Ind., and was mustered into service about 30 days thereafter at Indianapolis as a private to serve for three years, and was assigned to Company I, Fifty-ninth Indiana Infantry, and was at Camp Carrington until February 11, 1864, at which time affiant took a case of measles and was admitted to the hospital at Indianapolis, and remained in the hospital until March 9, 1864, and then was affiant furloughed, and affiant then went to the home of his father, who lived in Martin County; and the measles settled on affiant's lungs, and he was attended by Doctor Beaver, and while affiant was sick at his father's house and not able to leave the house the war ended and affiant was unable to return and get his discharge; that affiant never was a deserter, and any record showing that affiant was a deserter was and is absolutely unfounded; that the physician who attended affiant while sick for two years died several years ago; that affiant did not get well for about five years."

In an affidavit dated March 20, 1917, Anna Blakeman, a resident of Clarks-ton, Wash., testified as follows:

"That she is personally acquainted with Mr. Welch, who made the affidavit of this date and to which this affidavit is attached; that in the year of 1863, when the said James K. P. Welch joined or enlisted, that affiant was living with the father of James K. P. Welch and lived with the family for many years thereafter; that affiant was at the Welch home in Indiana in March, 1864, when James K. P. Welch came home with a bad case of measles and said that he had been in the hospital for measles, but now had received a furlough and came home to try and get well; that affiant personally knows that he was there very sick with the measles, or the effects thereof, and was at his father's house sick when the war closed, and he remained there and was sick for years thereafter; that a man by the name of Beaver doctored him for years; that the James K. P. Welch who signed the affidavit to which this is attached is the same party; that affiant has carefully read the affidavits made by Mr. Welch and know that the statements made by him are true."

In an affidavit dated May 10, 1920, the former soldier again testified as follows:

"That he is the identical James K. P. Welch who was a private in Company I in the Fifty-ninth Regiment of Indiana Volunteers; that he was enlisted in said company and regiment on or about the 27th day of December, 1863, at Silversville in the County of Lawrence, and State of Indiana, and served as follows: About 20 days after enrollment he was sent to Indianapolis and sworn in the Fifty-ninth Indiana Volunteers after which he was given a furlough home for 30 days. He then returned to Indianapolis about time of expiration of furlough and after a few days was taken sick with measles and sent to the hospital until the latter part of April, 1864. During the time the measles settled on lungs and he was sent home on furlough and treated by family doctor for about five years, in which time the war closed and when able to return was informed it was not necessary; hence he did not do so and therefore never received an honorable

discharge to which he was entitled. That the doctor in attendance was Doctor Beaver, whose residence was Doverhill, Martin County, Ind."

It appears from the records of this office that Welch while on furlough furnished letters from J. C. Beaver, M. D., accounting for his absence by reason of illness. The last of the letters is dated April 5, 1864, in which the physician certified that the soldier would not be able for duty in less than 90 days. As heretofore stated the company remained in service until July 17, 1865, and it will be accordingly seen that he did not account for his absence for more than a year after his physician had indicated he would be fit for duty.

The application of James K. P. Welch for removal of the charge of desertion and for an honorable discharge as a member of Company I, Fifty-ninth Indiana Volunteer Infantry, under the provisions of the act of Congress approved March 2, 1889 (25 Stat. L. 869), the only law in force governing the subject of removal of charges of desertion against soldiers of the Civil War, has been carefully considered and has been repeatedly denied and still stands denied on the ground that the case does not come within any of the provisions of the act of Congress cited, for the reason that he did not serve until May 1, 1865, and that it has not been satisfactorily established that he was prevented from completing his term of enlistment by reason of disability incurred in the line of duty.

Respectfully submitted.

ROBERT C. DAVIS,
Major General, The Adjutant General.

The SECRETARY OF WAR.

