

HOUSE....No. 246.

Commonwealth of Massachusetts.

HOUSE OF REPRESENTATIVES, April 6, 1867.

The Joint Special Committee to whom was referred numerous Petitions praying for an Equalization of Bounties, have considered the same and ask leave to

R E P O R T :

In the consideration of this subject, the importance of which to a large number of the citizens of this Commonwealth, cannot be overestimated, we have been actuated only by a desire to come to a right conclusion in reference to the action that, we believe, should be taken by the legislature. There are three questions to be considered, viz. :—

First. Ought the Commonwealth to make compensation to those of her soldiers who did not receive any bounty at the time of their enlistment?

Second. When should such compensation be made?

Third. What action should be taken by the present legislature, in reference to the subject?

We shall confine ourselves to the discussion of these three questions.

First. Ought the Commonwealth to make compensation to those of her soldiers who did not receive any bounty at the time of their enlistment?

The Commonwealth in its three departments of government, Executive, Legislative and Judicial, has, in various ways, acknowledged, that it is its duty to contribute to the pecuniary aid of its soldiers, not only through its own immediate agents, but also through the action of towns and individuals, either with the previous authority or subsequent ratification of the Commonwealth; and the following is section first of chapter thirty-eight of the Acts of 1863:—

“SECTION 1. The acts and doings of cities and towns in paying, or agreeing to pay, bounties and recruiting expenses for soldiers already furnished by them, upon the requisition of the United States, and upon the call of the governor, for the present war, together with taxes that have been or may be assessed, and payments and obligations that have been or may be made, or given by them for those objects, are hereby ratified, confirmed and made valid.”

The legislature also provided for the payment of bounties by the Commonwealth: (see chapter 91 of the Acts of 1863, chapter 254 of the Acts of 1863;) and passed other Acts in addition thereto.

At the beginning of the war, Massachusetts was first in raising and sending troops to the support of the national government, and in a large measure contributed to save the national capital from falling into the hands of the rebels who were seeking to destroy the national government. Under the first call for soldiers, the sons of Massachusetts did not stop to inquire how much bounty, or what compensation they were to receive. They only knew that armed rebellion sought to overthrow our national government, and to destroy its free institutions, and, filled with that patriotic devotion to liberty which has always characterized the people of this Commonwealth, they volunteered their services to the government, and to such an extent that thousands who desired to go were prevented because the national government refused to receive them. As the war progressed, our people began to feel its burdens, and although there was no change in the determination of the people to suppress the rebellion, and to re-establish the authority of the national government over all the territory of the rebel States, yet it was thought, in order to facilitate enlist-

ments, to be expedient to give additional compensation, besides the mere pay and allowance to the soldier, and the system of paying bounties grew up, its object being to promote enlistments so as to furnish our quota of soldiers to the national government as expeditiously as possible. And it was done, not only by our own Commonwealth, but also by the national government.

Under the Acts passed by the legislatures of 1863 and 1864, bounty was paid by the Commonwealth to all soldiers who enlisted in accordance with the terms of said Acts of the legislatures providing for the payment of bounty.

The Commonwealth, therefore, has paid bounty to all of her soldiers who enlisted during the last half of the war, while many of the soldiers who received bounty from the Commonwealth also received a bounty in addition from the city or town upon whose quota they counted.

On the other hand, those soldiers who enlisted in the first half of the war, in 1861 and 1862, received no bounty from the Commonwealth, and only a very small portion of them received any bounty from any city or town.

A large portion of the State debt was created by the payment of bounties to soldiers.

It is said that because the Commonwealth did not agree to make any compensation to the soldiers who enlisted in 1861 and 1862, that they have no claim upon the Commonwealth, and that nothing should be given them. Massachusetts claims to hold the scales of justice evenly balanced, and the people of this Commonwealth can never consent that the patriotic soldiers of the State shall be turned away without being equally compensated for their services, so far as it is possible to make an equal compensation. Of course, no money can compensate for the loss of life, limb, or of health. The Commonwealth has made provision for the families of deceased soldiers, and the disabled, by the State Aid Bill of last year, as modified by the present legislature.

It said that our State debt is so large, that the State cannot make so large an increase to it as equalization of bounties would require, without great injury to the financial standing of the Commonwealth.

Massachusetts can never become so poor that she can afford to do any injustice to the brave soldiers who represented her in the army of the national government. She can never become so rich, that she can do too much for her patriotic citizens, who by their valor have contributed so much to preserve and perpetuate our free institutions.

Second. When should compensation be made? This question has been a difficult one to the Committee, because all agree that if our soldiers ought to receive additional compensation, it ought to be paid as soon as possible, so that they may derive the benefit of it at once. But we meet with this difficulty in disposing of the question.

The thirty-ninth Congress at its closing session had under consideration a bill to equalize the bounties of soldiers, sailors, and marines, who have served in the army and navy during the late war, which bill passed one branch of Congress. This bill provides that there shall be paid to each soldier, sailor, or marine, the sum of (\$8.33) eight dollars and thirty-three cents per month for each month's actual service; deducting, however, all bounty paid by any State, city, town, or other municipal organization, and also all prize-money received by any sailor. The following is section two of said bill:—

“SECT. 2. *And be it further enacted,* That in computing and ascertaining the bounty to be paid to any soldier, sailor or marine, or his proper representatives under the provisions of this act, there shall be deducted therefrom any and all bounties already paid or payable, under existing laws, by the United States, or by any state, county, city, town, or other municipal organization, or by any voluntary association, so that in no case shall the aggregate amount allowed and paid from all sources exceed \$8.33½ for each month of actually faithful service, or at the rate of \$100 per year; and in the case of any sailor or marine, to whom prize-money has been paid, or is payable, the amount of such prize-money shall be deducted, and only such amount of bounty paid as shall, together with such prize-money, and any other bounty paid or payable by the United States, or any other state, county, city, town, or other municipal organization, or by any voluntary association, amount in the aggregate, to the sum allowed by this act.”

There is every reason to believe that some bill of this character will pass Congress, and that equalization by the national government will be made upon such a basis. If so, it will be seen at once that under the provisions of such an equalization, all bounties heretofore paid to Massachusetts soldiers will be deducted; and those of our soldiers who have received the full amount of bounty would receive nothing under the provisions of such a bill; while those soldiers who have not received bounty would receive a bounty from the national government. Therefore we believe that if Massachusetts should now equalize bounties and make additional compensation to those of her soldiers who have received no bounty, that it would prevent any of her soldiers from receiving bounty from the national government. And the Commonwealth would still have to contribute her proportional part towards the payment of the national debt thus created, and the soldiers themselves would have to contribute their proportional part in the payment of the debt. If we are to share in the burdens, we also desire to obtain some of the benefits. If we are to pay the debt, we want our share of the money to be distributed. If we should take such action as would prevent our soldiers from receiving bounty from the national government, we should be doing great injustice, not only to the Commonwealth, but to the soldiers of the Commonwealth. Accordingly your Committee feel that if they should report a bill to the legislature, and the same should pass and become a law at the present time, there is every reason to believe that it would prevent all those who would be entitled to compensation under its provisions from receiving any bounty from the national government. We are therefore of the opinion that although we believe that the Commonwealth ought to equalize the bounties of her soldiers, and that it ought to be done as soon as possible, it is not judicious to pass a bill at the present session of the legislature, as by so doing we think it would prove an injury to those whom we desire to benefit. If such a plan of equalization is to be adopted by Congress, then equalization by the State should be subsequent to equalization by the national government.

Third. What action in reference to the subject should be taken by the present legislature?

The adjutant-general has made two reports to the legislature in reference to the cost of equalization of bounties, based upon two different methods; according to one, equalization would cost the State (\$13,872,670.21,) thirteen million eight hundred and seventy-two thousand six hundred and seventy dollars and twenty-one cents. According to the other (\$4,882,136,) four million eight hundred and eighty-two thousand one hundred and thirty-six dollars. We think that the whole subject should be carefully investigated; and in order to do it thoroughly, it will require a great deal of time, more than this Committee has at its disposal. Therefore, in order that a careful investigation may be made, we recommend that the present legislature shall pass the accompanying Resolve.

GEO. L. SAWIN,
ELISHA C. MONK,
JOHN H. LOCKEY,
Of the Senate.

JAMES A. FOX,
ISAAC K. CHIPMAN,
ADDISON CENTER,
HENRY M. McINTIRE,
Of the House.

The undersigned approves of the Resolution but dissents from some of the conclusions of the Report.

DANIEL L. HARRIS.

Commonwealth of Massachusetts.

In the Year One Thousand Eight Hundred and Sixty-Seven.

R E S O L V E

In relation to the Equalization of Bounties to Soldiers and Sailors in the late war.

Resolved, That there be appointed a joint special committee consisting of three on the part of the senate and five on the part of the house, whose duty it shall be to inquire and report to the next legislature, the whole number of soldiers and sailors furnished by Massachusetts to the military and naval service of the country; the number that have received bounty from the state or from any city or town; the amount of bounty so paid; and, also, the number that did not receive bounty, with a statement of the time served by them; and, also, to report a plan for the equalization of bounties, and to state what sum of money would be required. And they are authorized to send for persons and papers.

MINORITY REPORT.

The undersigned dissents from the views of the majority of your Committee, and begs to submit that, in considering the question of equalizing bounties,—a measure urged as an act of justice to soldiers who rushed forward at the first call of their country, without waiting for the sordid motive of bounty,—we first meet the fact that the nation, not the State, was at war; the nation, not the State, needed and called for the troops; and although calling sometimes upon the States for the men, yet sometimes, and whenever it saw proper, calling directly upon the people by draft, and enforcing such draft without reference to the action of the State.

Obligation to compensate fairly all our soldiers seems to fall first upon the national government.

We find that the government recognizes this obligation.

Congress has already passed a law giving bounties to the extent of \$100 to those who had not received them, and at its last session another and additional bill was brought forward, and apparently only failed to become a law through lack of time to pass it. This last bill provided \$8 $\frac{1}{3}$ per month, deducting all national, State, city, town or other bounties paid or under any existing law payable.

It is evident, therefore, that the national government is the party indebted; and it is evident that it proposes to pay the debt, and beyond question will do so to a considerable extent. But in doing so we find the *startling* proposal to deduct all State and other bounties, paid or *payable*. The Eastern soldiers were paid bounties by the States, towns, and otherwise; the Western soldiers in general were not. The East furnishes more money, in proportion to number of soldiers, to the national treasury, than the West. This plan, therefore, taxes the East to pay the West. Western influence carried the bill through

the House, and, beyond question, would have carried it through the Senate, had it been reached; and there can be very little doubt that the same influence will engraft this provision upon any measure that may be finally adopted.

Therefore we are to settle this question, admitting that our soldiers ought to receive further payment.

Admitting, also, that in addition to a national payment of $\$8\frac{1}{3}$ per month, the State ought to add a further payment.

Is it wise for the State to make a further payment *now*, when the whole amount of it, up to whatever the United States pays, will be deducted from the United States bounty to the soldier? The State, by doing so, pays twice over; once in the national tax more than the share of her own soldiers,—this wholly for the benefit of the West, her own soldiers not receiving a dollar of it,—and once directly to her own soldiers.

Is it for the *interest* of the *soldier* that she should pay now? If she does, the soldier loses everything the United States may pay—he loses from the United States whatever he receives from the State.

Clearly it is neither wise for the State, nor expedient for the soldier, that any payment should be made in advance of the probable action of Congress.

The object of the petitioners is to equalize bounties, and yet no plan suggested is calculated to “equalize;” an indiscriminate payment will not “equalize,” for this reason:—

The three years men of 1861, were paid, if they re-enlisted, $\$325$ by the State and $\$302$ by the United States, $\$727$ in all. The three years men of the end of 1862 and the beginning of 1863, never had a chance to receive this $\$727$; for their terms of service ended just after the close of the war, when re-enlistments were not permitted. The soldier who served his three years without bounty, and who never was allowed an opportunity to receive bounty, it is submitted, deserves more than the soldier who served three years without bounty, and then was offered a bounty of $\$727$ or more to serve again, and *refused*.

Should these two classes, those men of 1861, who *would* not re-enlist for $\$727$ or more, and the men of 1862 and 1863, who *could* not re-enlist, receive now the *same* bounty? The men of 1862 and 1863 have far the greater claim.

Then in another view, any indiscriminate payment is unequal. Of about 32,000 men of 1861, between 6,000 and 7,000 re-enlisted in their former organizations and drew bounty; of the remaining 25,000 and more, who can doubt that a very considerable number did again enlist in the various new organizations then being formed, and so drew bounty? We all know this to be the fact, and yet any plan yet suggested, pays them again, because it can never be known, whether a man, applying for bounty as a member of an early regiment, has since his discharge enlisted again or not. Could his name be found on the rolls of another regiment, it would be slight evidence against him; for the same names occur over and over again on our rolls, and it is easy to see that the task would be enormous to search out the name of every applicant wherever it occurs on the rolls of companies that drew bounty, and then to prove if the State could, that the applicant was one of the men so named as drawing bounty; and yet if this is not done, a large number of men who receive the largest bounty paid to any one during the war will be paid again, this is not "*equalizing*."

Financial considerations ought not to have weight to prevent Massachusetts from paying all just debts, especially from paying everything she owes to her soldiers, who have lost or risked their lives, limbs and health, to save her and the nation in a death-struggle; but it is submitted, it is more just to her soldiers as a body, and it is believed her soldiers would much prefer, that she should distribute all her payments of money to the wounded and disabled soldiers and to the families of the dead and disabled. This she is doing and has done, besides in a measure supporting the families of *all* her soldiers during their service. She is now paying and forever will pay a tribute to all her soldiers of a nature which money cannot buy, of public favor and increased respect, resulting practically in enabling every soldier to obtain more easily whatever he may desire, whether a business situation, public employment or political office.

There are probably few soldiers who have served honorably through the war, who do not feel that in spite of any pecuniary loss they may have suffered, they are more than compensated by the good opinion of their fellow-citizens. They know, and

they feel that every one recognizes, that the State and their fellow-citizens are under obligations to them, too great to be measured, and obligations which they would not wish cancelled for any amount of money the State could pay them. They would prefer that the money of the State should be given to their crippled and needy comrades and their helpless families.

CHAS. J. PAINE.

MINORITY REPORT.

The undersigned, while most cordially concurring in all that is contained in the Majority Report of the Joint Special Committee, to whom was referred the various petitions for the equalization of the bounties of the soldiers of the Commonwealth, so far as relates to the justice, propriety, and necessity of the measure, respectfully dissents from the conclusions of the majority, so far as relates to the action proposed, and asks leave to report the following Bill.

EDWARD Y. PERRY.

Commonwealth of Massachusetts.

In the Year One Thousand Eight Hundred and Sixty-
Seven.

AN ACT

To Equalize the Bounties of the Soldiers of the Com-
monwealth.

*Be it enacted by the Senate and House of Representa-
tives, in General Court assembled, and by the authority of
the same, as follows:—*

1 SECT. 1. There shall be paid to each and every
2 soldier and non-commissioned officer, excepting those
3 who have served as substitutes, and those who
4 enlisted in the invalid or reserved corps, who, as a
5 part of the quota of this Commonwealth, has been
6 heretofore duly mustered into the service of the
7 United States during the war for the suppression of
8 the rebellion, and has received an honorable dis-
9 charge from service, the sum of nine dollars per
10 month for each and every month of his whole service,
11 up to the date of his discharge: *provided, however,*
12 that all amounts that have been paid to such soldier
13 or non-commissioned officer as bounty, by the State,

14 or town, or individuals, and which has been re-im-
15 bursed to such town or individuals by the state, shall
16 be deducted from the amount such soldier or non-
17 commissioned officer would otherwise be entitled to
18 receive under this act. And also there shall be
19 deducted from the amount provided for under this
20 act, all sums which any claimant under this act
21 may be entitled to receive in consequence of any act
22 that the fortieth congress may enact for the equaliza-
23 tion of bounties ; and *provided also*, that no payment
24 shall be made, or be due, or payable under this act,
25 and no certificate as hereinafter provided shall be
26 issued, until after all deductions provided for in this
27 act in consequence of any law enacted by the said
28 fortieth congress shall have been fully made. And
29 *furthermore provided*, that the aggregate amount pay-
30 able under this act shall not exceed five million dol-
31 lars.

1 SECT. 2. It shall be the duty of the adjutant-
2 general, under such rules and regulations as may be
3 prescribed or approved by the governor and council,
4 to receive the evidence of claims under the provis-
5 ions of this act, and to examine and decide upon the
6 same. He shall also prescribe and prepare such
7 blank forms of affidavits, certificates and other papers
8 as may be deemed necessary and proper to prevent
9 frauds in the administration of this act, and shall
10 require the applicants to make use of such forms and
11 to conform to all reasonable rules and regulations in
12 presenting their claims to the end that no fraud shall
13 be committed. And when, upon examination of the
14 required evidence and vouchers, any one shall be

15 found to be entitled to receive the payment provided
16 for in the first section of this act, he shall receive a
17 certificate to that effect from the adjutant-general, in
18 such form as may be prescribed by him, with the
19 approval of the governor and council, which certifi-
20 cate, upon being presented to the treasurer of the
21 Commonwealth, shall entitle him to receive from the
22 treasurer, a negotiable certificate of indebtedness,
23 signed by the treasurer in behalf of the Common-
24 wealth, and in such form as the treasurer may pre-
25 scribe, said certificate to be on interest at six per cent.
26 from the passage of this act, and if for more than
27 one hundred dollars, payable in five years, and for
28 one hundred dollars and all less sums in three years.

1 SECT. 3. No application for additional payment
2 under this act shall be received or allowed after the
3 first day of July, eighteen hundred and sixty-eight;
4 and if the aggregate amount found due under this act,
5 after all deductions as aforesaid have been made, shall
6 exceed five million dollars, then a further reduction
7 of the excess of five million dollars as aforesaid shall
8 be made *pro rata*, upon all the claims allowed under
9 this act.

1 SECT. 4. Any soldier who has bartered, sold,
2 assigned, transferred, loaned, exchanged, pledged or
3 given away his final discharge papers, shall not be
4 entitled to receive any pay under the provisions of
5 this act; and before payment is made to any soldier,
6 he shall be required to make oath or affirmation that
7 his discharge papers have not been so bartered, sold,
8 assigned, transferred, loaned, exchanged, pledged or

9 given away. This additional payment shall be made
10 directly to the soldier entitled to the same, or to his
11 immediate agent or attorney, specially authorized in
12 writing; and before any payment shall be made to
13 any agent or attorney, said agent or attorney shall be
14 required to make oath that he does not hold the dis-
15 charge papers of his principal, or receive the certifi-
16 cate of indebtedness by reason of any pledge, transfer
17 or assignment, directly or indirectly, but for the sole
18 use and benefit of his principal; and the certificate
19 of indebtedness issued by the treasurer shall be made
20 payable to the soldier or his order, in all cases, and
21 not to any agent or attorney.

1 SECT. 5. This additional payment shall not be
2 made to any soldier who has ever deserted from the
3 service, nor to any soldier who was a prisoner of war
4 at the time of his enlistment, nor to any soldier who
5 has been discharged before the expiration of his
6 term of service at his own request, or at the request
7 of parents, guardians or other persons, on account of
8 minority or for any personal reason, except disability
9 contracted in the service.

1 SECT. 6. If any private soldier or non-commis-
2 sioned officer has died while in the service, or while a
3 prisoner in the hands of the enemy, or since obtain-
4 ing an honorable discharge, his widow, or if he has
5 left no widow, his lawful heirs, shall be entitled to
6 the payment provided for in this act.

1 SECT. 7. This act shall take effect upon its
2 passage.