

FRANCIS S. DAVIDSON.

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MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

RETURNING,

WITH HIS OBJECTIONS, THE BILL (S. 1115) ENTITLED "AN ACT FOR THE RELIEF OF FRANCIS S. DAVIDSON, LATE FIRST LIEUTENANT, NINTH UNITED STATES CAVALRY."

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FEBRUARY 23, 1903.—Read; referred to the Committee on Military Affairs and ordered to be printed.

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*To the Senate:*

I return herewith, without approval, Senate bill 1115, entitled "An act for the relief of Francis S. Davidson, late first lieutenant, Ninth United States Cavalry."

The beneficiary of this bill was in the service for about nine years ending in December, 1875. He has not been in the service for the past twenty-seven years.

When in the service he appears to have been an insubordinate and unprofitable officer. He was at one time a cadet at the West Point Academy, and was discharged, January 31, 1865, by reason of deficiency in study and conduct. The academic board remarked of him at that time:

This is the second deficiency of Cadet Davidson in conduct, and he having shown himself regardless of the leniency heretofore extended to him, the board recommends that he be discharged.

From June 9 to October 31, 1865, after the end of active hostilities of the civil war, he was a lieutenant of volunteers. He was appointed second lieutenant in the Regular Army March 7, 1867; promoted to be first lieutenant July 31, 1867.

On the 20th of June, 1868, he was tried by court-martial for "neglect of duty, disobedience of orders, and conduct prejudicial to good order and military discipline," and acquitted. The finding of acquittal was disapproved by the reviewing authority with the remark that the conduct of the accused "was not only irregular but insubordinate and disrespectful to his commanding officer."

On the 4th of January, 1872, he was again tried by court-martial, and found guilty of disobedience of orders and violation of the sixth article of war, and was suspended from rank and pay for one month and reprimanded in General Orders.

On November 15, 1875, he was again tried by court-martial, and found guilty of "conduct unbecoming an officer and a gentleman," consisting of breach of arrest and gambling with enlisted men. Upon this he was dismissed the service, from which he has remained separated for now more than twenty-seven years.

No act of special gallantry or conspicuous service marked the short period during which he was an officer of the Army. He is 56 years of age. This bill proposes to put him upon the retired list, where he would be supported for the remainder of his life at public expense without rendering any return. It does not appear that he is subject to any physical disability incurred in the line of duty or otherwise. The treatment thus proposed is denied by law to all the officers whose service has been continuous and faithful, for they are not entitled to the benefits of the retired list until after forty years' service, or reaching the age of 64, or being physically disabled.

That an officer with this record should be rewarded is wholly without justification, and if that should be done it would involve a confusion between the treatment accorded to loyal and faithful service and that accorded to insubordination and unfaithful service, which could not fail to be most prejudicial to the morale and efficiency of the Army.

THEODORE ROOSEVELT.

WHITE HOUSE, *February 21, 1903.*

[S. 1115. Fifty-seventh Congress of the United States of America; at the second session, begun and held at the City of Washington on Monday, the first day of December, one thousand nine hundred and two.]

*An Act For the relief of Francis S. Davidson, late first lieutenant, Ninth United States Cavalry.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President be, and he is hereby, authorized to revoke General Court-Martial Orders Numbered Ninety-three, War Department, Adjutant-General's Office, Washington, November fifteenth, eighteen hundred and seventy-five, approving and confirming the proceedings, findings, and sentence of the general court-martial which convened at Fort Brown, Texas, September eighteenth, eighteen hundred and seventy-five, dismissing First Lieutenant Francis S. Davidson, Ninth Cavalry, and to issue to him a certificate of discharge of that date, and to nominate and, by and with the advice and consent of the Senate, to appoint said Francis S. Davidson, a first lieutenant, mounted, in the United States Army, and to place him upon the retired list with the rank of first lieutenant: *Provided*, That no pay, compensation, or allowance shall be paid him from the date of his dismissal to the date of the passage of this Act, and the retired list is hereby increased by one for said purpose.*

D. B. HENDERSON,  
*Speaker of the House of Representatives.*

WM. P. FRYE,  
*President of the Senate pro tempore.*

I certify that this Act originated in the Senate.

CHARLES G. BENNETT, *Secretary.*  
By H. M. ROSE, *Chief Clerk.*