

PATRICK CONLIN.

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MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

RETURNING

WITHOUT APPROVAL H. R. 22367, ENTITLED "AN ACT FOR THE  
RELIEF OF PATRICK CONLIN."

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FEBRUARY 27, 1907.—Read; referred to the Committee on Military Affairs and  
ordered to be printed.

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*To the House of Representatives:*

I return without approval H. R. 22367, entitled "An act for the relief of Patrick Conlin." This seems to me a highly objectionable measure. It requires the falsification of records that should be kept inviolate, and it confers a favor without any warrant whatever, as far as I can see, upon one civilian camp follower out of the legions of such camp followers who rendered service to the troops during the period of the civil war. The bill would establish a most demoralizing and vicious precedent if enacted into law. I accordingly approve of the memorandum of The Military Secretary, herewith submitted.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *February 26, 1907.*

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[H. R. 22367. Fifty-ninth Congress of the United States of America; at the second session, begun and held at the city of Washington on Monday, the third day of December, one thousand nine hundred and six.]

AN ACT For the relief of Patrick Conlin.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of War be, and he is hereby, authorized and directed to place the name of Patrick Conlin on the records as a member of Company I, Fifty-seventh Regiment Ohio Volunteer Infantry, and grant him an honorable discharge, to date from September first, eighteen hundred and sixty-five: *Provided,* That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this Act.

J. G. CANNON,  
*Speaker of the House of Representatives.*

CHARLES W. FAIRBANKS,  
*Vice-President of the United States and President of the Senate.*

I certify that this act originated in the House of Representatives.

A. McDOWELL, *Clerk.*

WAR DEPARTMENT,  
Washington, February 21, 1907.

MY DEAR MR. PRESIDENT: I inclose you herewith a bill providing for the honorable discharge of Patrick Conlin, Company I, Fifty-seventh Ohio Volunteer Infantry, and recommend that the same be vetoed. I inclose also a memorandum of The Military Secretary, which states the facts in the case.

Very sincerely, yours,

WM. H. TAFT.

The PRESIDENT.

WAR DEPARTMENT,  
THE MILITARY SECRETARY'S OFFICE,  
Washington, February 21, 1907.

Respectfully returned to the honorable the Secretary of War.

The name of Patrick Conlin, for whose relief the accompanying bill (H. R. 22367, 59th Cong., 2d sess.) was passed, has not been found on the rolls on file in this Department, of Company I Fifty-seventh Ohio Volunteer Infantry, and no evidence of his enrollment, muster in, or service has been found of record in this office. The Committee on Military Affairs, House of Representatives, was so informed in a report from this Department dated May 7, 1906.

The testimony submitted in his case is set forth in Senate Report No. 6660, Fifty-ninth Congress, second session, a copy of which is inclosed.

A bill of the same import (H. R. 7926, 59th Cong., 1st sess.) was returned by this office to the Secretary of War June 29, 1906, with indorsement, in which it is stated as follows:

"Even if it be admitted that all that is alleged in behalf of Conlin in the affidavits submitted to Congress in support of the accompanying bill is true, it is evident that Conlin was not a soldier and had no other status than that of one of a legion of civilian camp followers, who, in one capacity or another, accompanied or served the various armies in the field during the civil war period."

"Notwithstanding the fact that Conlin was not a soldier, and that the official records of the Fifty-seventh Ohio Infantry Volunteers do not bear his name, it is now proposed by the accompanying bill to give him the status of an honorably discharged soldier, and undoubtedly the right to a pension, by placing his name on the official records and granting him an honorable discharge as a member of Company I, Fifty-seventh Regiment Ohio Volunteer Infantry. Such a procedure, even though authorized by law, would involve the falsification of the war records of an organization that passed out of existence more than forty years ago. It is needless to say that such records ought to be held inviolable.

"If it is proper by act of Congress to alter the records of the civil war period so as to make them show that men who were not soldiers were soldiers, it would be equally proper to go back to the period of the Revolution and alter the records of that war by an act of Congress so as to meet the needs of those who desire to establish a Revolutionary ancestry, but whose ancestors unfortunately were not officers or soldiers of that war. Indeed, if the correctness of the principle involved in the pending bill is admitted, no historical records, however ancient, will be safe from such alteration as Congress may be persuaded to direct in order to make those records square with the needs, wishes, or opinions of the present or future generations.

"If, without requiring any alterations of historical records, the pending bill had simply required that Conlin should hereafter be held and considered to have been a soldier and honorably discharged (as in the Moffatt case—act approved June 4, 1906), or should be treated in all respects as if he were an honorably discharged soldier, the bill would not be open to the grave objection that must now be urged against it, viz, that it not only authorizes, but requires, the falsification of records that should be kept inviolate.

"It should be observed, too, that there were many other civilian camp followers during the civil war period who rendered valuable and often hazardous service with troops in the field, who suffered wound, imprisonment, and many of the other hardships incident to a soldier's life, and who have for years been appealing for such recognition as that which it is proposed to give to Conlin. Should the pending bill become a law, it will not only encourage the many others whose claims are equally as strong as Conlin's to appeal for similar legislation in their behalf, but it will also encourage like appeals from the great number of other civilian camp followers of the civil war, the war with Spain, and the Philippine insurrection, who have no claim whatever to consideration."

The bill last mentioned was returned to the President June 29, 1906, by the Secretary of War with a letter in which, after inviting attention to the report of this office, the following was added: "It appears to me from the report of The Military Secretary that it is a highly objectionable measure."

F. C. AINSWORTH,  
*The Military Secretary.*

[Senate Report No. 6660, Fifty-ninth Congress, second session.]

The Committee on Military Affairs, which has had under consideration the bill (H. R. 22367) for the relief of Patrick Conlin, reports the same favorably and recommends that it do pass.

A similar bill (H. R. 7226) passed both Houses in the first session of the present Congress, but its passage by the Senate was too late to enable the President to sign the bill.

The report your committee made upon the similar measure of last session is made a part of this report, as follows:

The Committee on Military Affairs, to which was referred the bill (H. R. 7226) for the relief of Patrick Conlin, has carefully examined the same and begs leave to report it to the Senate favorably, recommending its passage.

As the beneficiary under this bill was never formally mustered into the Volunteer Army of the United States, but served without enlistment and muster in, attached to the drum corps of the Fifty-seventh Ohio Volunteer Infantry, the War Department has no information or record of his service. But your committee believes that Conlin's affidavit and the various affidavits of his comrades, which are on file with the measure, substantiate his claims, and that he should be given the recognition provided for in the bill.

The affidavits mentioned are as follows:

HIGBEE, Mo., *April 16, 1906.*

THE COMMITTEE ON MILITARY AFFAIRS,  
*Washington, D. C.:*

I was born on March 17, 1850, at Columbus, Ohio; High street. I attached myself to I Company, Fifty-seventh Ohio Volunteer Infantry, on the 27th of January, 1862, at Camp Chase, Ohio. I was about 11 years and 10 months old, or thereabout. My height was about 4 feet 8½ inches and my weight 90 or 95 pounds. I was attached to the regimental drum corps during the year 1862 and part of 1863.

Left Camp Chase on March 16, 1862, and ordered to the front. My first engagement was at Shiloh on April 6, 1862. I was alongside of Captain Skelton, of Company I, Fifty-seventh Ohio, when he was shot in the right arm and disabled. On this the 6th of April the army was driven to the Tennessee River, and on the 7th we repulsed the enemy and drove them to Corinth, Miss. On the 7th I carried water in canteens to the wounded on the field. Our next regular engagement was Corinth, Miss. Our regiment was called into line of battle, but all the heavy fighting was done on our extreme left. We, the Fifty-seventh Ohio, were ordered to guard a wagon train from there to Memphis, Tenn. We were then ordered from there to Arkansas Post, and there entered in an engagement, and with the assistance of Admiral Porter's fleet we captured everything.

From there we went to Milligans Bend, La., and from there ordered to assist Porter in an effort to get below Vicksburg, Miss., with the fleet, but failing, had to return to Milligans Bend, and from there we were ordered down the Mississippi River to make an entrance by land to the rear of Vicksburg. Crossed the river by pontoon, and, being successful, we commenced to advance on the rear of Vicksburg.

Our next engagement was Black River, Mississippi, and from there we forced our way to Vicksburg, and on the 19th day of May, 1863, we stormed the fortifications and were repulsed. All that day I helped take the wounded off the field with the ambulance corps. On the following day I offered my services as a volunteer, but Captain Skelton refused on account of my age.

My orderly sergeant drew rations for one extra man, and my quartermaster regularly furnished me with clothing. On the 22d day of May, 1863, by my own request, I was furnished arms by Captain Skelton, and on that day I entered with our regiment into the assault on the rear of Vicksburg, and some time in the afternoon I was wounded, the ball passing in at my right breast and coming out below the right shoulder blade, close to the back, disabling the right lung, the same yet remaining disabled. I was taken off the field by a member of my company, one John Coleman—

that was the person as near as my memory now serves me. He was file major of the regiment. I remained at Vicksburg during the entire siege, until the surrender of Pemberton and his forces, which was on July 4, 1863.

I then remained with the convalescents doing camp duty while the regiment went to Jackson, Miss. After the fall of Jackson, Miss., we went into camp at Camp Sherman, Miss. After a short rest we were ordered to Chattanooga, Tenn. Our position was on the extreme left at Missionary Ridge. I was under arms with my regiment during the whole engagement. While on this march to Chattanooga I again offered my services as a volunteer, but was refused by my captain on account of my age. My next, I was with my regiment the entire time during the Atlanta, Ga., march, caring for the sick and afflicted, to Kenesaw Mountain, and there I again took up and bore arms during the entire siege, and remained with my regiment until peace was declared, and we were then ordered to Washington, D. C., to take part in the grand review.

On the third day after the review my captain (Captain Root) took me to the provost-marshal, and I was furnished by the Government with transportation back to Columbus, Ohio.

Considering the many years that have since passed, the foregoing is a true and honest statement to the best of my knowledge and ability.

My complexion is fair, eyes blue, hair dark brown. I have never received from the Government one cent of remuneration as pay for all my entire service.

PATRICK CONLIN.

STATE OF MISSOURI, *County of Randolph, ss:*

On this 17th day of April, A. D. 1906, before me personally appeared Patrick Conlin, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that the same is true, to the best of his knowledge and recollection, and is correct.

In testimony whereof I have hereunto set my hand and affixed my official seal at my office in Higbee, Mo., the day and year first above written.

[SEAL.]

F. E. MURRELL,  
*Notary Public.*

(My term of office as notary public will expire March 21, A. D. 1910.)

I have known Patrick Conlin for twenty-one years and believe him to be the proper person that is herein represented.

JOHN M. LACEY.

STATE OF OHIO, *Crawford County, ss:*

In the matter of Patrick Conlin in case now pending before Congress on application for an honorable discharge as a soldier from Company I, Fifty-seventh Ohio Volunteer Infantry, personally came before me, Charles McConnell, a notary public in and for said county and State, Martin V. Wood, a resident of Tiro, Ohio, and August Grafmiller, a resident of North Auburn, Ohio, who each, being duly sworn in relation to said case, declares as follows:

I, the said Martin V. Wood, declare that I was a member of Company I, Fifty-seventh Ohio Volunteer Infantry, from September, 1861, to August, 1865, and I knew the above-named Patrick Conlin, or knew him better as "Patsy the kid," and I know that he was with Company I, Fifty-seventh Ohio Volunteer Infantry, during the above-stated time, and I also remember him as being a great favorite of the Fifty-seventh Ohio Regiment on account of his age and size.

I, the said August Grafmiller, do state that I was a member of Company I, Fifty-seventh Ohio Volunteer Infantry, from September, 1861, to September, 1864, when I was discharged. I remember the above-named Patrick Conlin, or "Patsy the kid," as he was generally known and called that name, and know that he was with Company I, Fifty-seventh Ohio Volunteer Infantry, during the time I was a member of said regiment. I remember him more distinctly on account of his age and size and as his being a general favorite in the said Fifty-seventh Ohio Volunteer Infantry Regiment.

MARTIN V. WOOD.  
AUGUST GRAFMILLER.

Sworn to before me and subscribed in my presence by the above-named Martin V. Wood and August Grafmiller this 30th day of November, A. D. 1900.

[SEAL.]

CHAS. MCCONNELL,  
*Notary Public, Crawford County, Ohio.*

STATE OF KANSAS, *County of Montgomery, ss:*

On this 6th day of November, A. D. 1900, personally appeared before me, a notary public in and for the aforesaid county, duly authorized to administer oaths, J. P. Etchen, aged 56 years, a resident of Coffeyville, in the county of Montgomery and State of Kansas, well known to me to be reputable and entitled to credit, and who, being duly sworn, declares in relation to aforesaid case as follows:

That I am personally acquainted with Patrick Conlin, known in the Fifty-seventh Ohio Volunteer Infantry, Company H, as "Kid Patsy" or the "Kid Witch," and I know he was greatly attached to the regiment and never missed a march or engagement during his service with the regiment, from Camp Chase to Shiloh to Atlanta, Ga., he having shown himself a true soldier in every way, and was greatly honored by all his comrades. I knew him to be a true soldier in every sense and was highly honored by all knowing him. He attached himself to Company I, Fifty-seventh Ohio, about January 27, 1862, at Camp Chase, Ohio, but his youth barred him from being mustered. To the best of my recollection he was wounded at Vicksburg, Miss., on May 22, 1863, and was cared for by his comrades in camp, and in my opinion the Government should grant him an honorable discharge for his services from January, 1862, to August 8, 1865, as I know he is duly entitled to.

His post-office address, Coffeyville, Kans.

Further declares that he has no interest in said case and is not concerned in its prosecution.

J. P. ETCHEN.

STATE OF KANSAS, *County of Montgomery, ss:*

Sworn to and subscribed before me this day by the above-named affiant, and I certify that I read said affidavit to said affiant and acquainted him with the contents before he executed the same. I further certify that I am in no wise interested in said case, nor am I concerned in the prosecution, and that said affiant is personally known to me, and that he is a credible person.

[SEAL.]

J. McCREARY,  
*Notary Public, Montgomery County, Kans.*

(Notary commission expires March 23, 1903.)

STATE OF ILLINOIS, *County of Cook, ss:*

On this 28th day of August, A. D. 1900, personally appeared before me, a notary public in and for the aforesaid county, duly authorized to administer oaths, William Swartz, seventeen years a resident of Pierson, in the county of Kosciusko and State of Indiana, well known to me to be reputable and entitled to credit, and who, being duly sworn, declares in relation to aforesaid case as follows:

That I am personally acquainted with Patrick Conlin, known in the Fifty-seventh Ohio Volunteer Infantry, Company I, as Kid Patsy, or the Kid Witch, and have known him to be greatly attached to his regiment and never missed an engagement during the civil war from Shiloh to Atlanta, Ga., he having shown himself a true soldier in every way, and made himself honored by all his comrades, having known him and fought with him all through the civil war, can honestly state that he has been a true, honest, and courageous soldier.

Post-office address, Pierson, Kosciusko County, Ind.

Further declares that he has no interest in said case and is not concerned in its prosecution.

WILLIAM SWARTZ.

STATE OF ILLINOIS, *County of Cook, ss:*

Sworn to and subscribed before me this day by the above-named affiant, and I certify that I read said affidavit to said affiant, including the word Illinois, but meant to be there erased, and acquainted him with the contents before he executed the same. I further certify that I am in no way interested in said case, nor am I concerned in the prosecution, and that said affiant is not personally known to me.

[SEAL.]

LEONARD L. FOSTER,  
*Notary Public, Cook County, Ill.*

STATE OF OHIO, *County of Shelby, ss:*

On this 31st day of August, A. D. 1900, personally appeared before me, a notary public in and for the aforesaid county, duly authorized to administer oaths, Reuben

Stahler, aged 54 years, a resident of Jackson Center, in the county of Shelby and State of Ohio, well known to me to be reputable and entitled to credit, and who, being duly sworn, declares in relation to aforesaid case as follows:

That I am personally acquainted with Patrick Conlin, known in the Fifty-seventh Ohio Volunteer Infantry, Company K, as "Kid Patsy," or the "Kid Witch;" and I know he was greatly attached to the regiment, and never missed an engagement during his service with the regiment, from Shiloh to Atlanta, Ga., he having shown himself a true soldier in every way, and was greatly honored by all his comrades. I knew him to be a true soldier in every sense, and was highly honored by all that knew him.

His post-office address, Jackson Center, Ohio.

Further declares that he has no interest in said case and is not concerned in its prosecution.

REUBEN STAHLER.

STATE OF OHIO, *County of Shelby, ss.*

Sworn to and subscribed before me this day by the above-named affiant, and I certify that I read said affidavit to said affiant and acquainted him with the contents before he executed the same. I further certify that I am in no wise interested in said case, nor am I concerned in the prosecution; and that said affiant is personally known to me, and that he is a credible person.

[SEAL.]

A. A. DAVIS, *Notary Public.*

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