

DESERTION NO BARTO PENSION

NO DISTINCTION BETWEEN GOOD SOLDIERS AND BAD.

ONE-THIRD OF THE UNION ARMY DESERTED.

Not a Few of Them Enlisted in the Service of the Confederacy.

THE UNDERGROUND RAILROAD.

Until Near the Close of the War the Government Was Too Lenient in Dealing with a Problem Which Lost Battles and Prolonged the Conflict—Gen. Robert E. Lee's Offer to Deserters from the Union Cause—Thousands of These Cravens Given Honorable Discharges by Acts of Congress—Disbursements Enormously Increased Thereby—Statistical Statements.

The great source of weakness to the Union Army during the civil war was desertion, straggling, and absenteeism. For the first two years of the war there were some special causes operating to produce desertion. At that time the Government had to depend on the services, voluntarily offered, of men with abundant patriotism, no knowledge of military law and obligation, and no conception of discipline; men who had always freely acted according to their own ideas and wishes, restrained by no other legal requirements than those of the civil law governing a free people. It is not strange that, among such men, many should have absented themselves in the beginning of the war, from ignorance as to their duties and obligations, and become technically deserters, but without really deserting the flag and abandoning the cause. A dissatisfied and intelligent minority often became deserters because they refused on their part to ratify the election of unfit officers.

The large bounties paid to recruits from 1863 to 1865, inclusive, both encouraged and facilitated desertion. The want of adequate means for the arrest of deserters in the early part of the war, and the consequent impunity with which they returned to and remained at their homes, and the failure to administer prompt punishment for the worst phases of the crime, when occasion offered, contributed more perhaps than anything else to the evil of desertion. One of the greatest evils of desertion was the discouragement to volunteering that resulted from the exaggerations indulged in by deserters as to the harsh treatment they had met with, and the false stories they spread abroad of the cruelty and unnecessary hardships to which the men were subjected by their officers.

The natural fruits of the want of rigor in dealing with the evil of desertion prolonged the war, lost many battles, and sacrificed many lives. Undue mercy to deserters was in reality harsh cruelty to those who remained true to their flag, and desertion of country in its struggle for national existence is practically to-day no bar to a pension claim. Nominally pensions can be granted under the laws only in case of an "honorable discharge" from the service. Deserters have been very liberally dealt with in acts of Congress, both during and since the war, and the Government, as has been shown in previous articles in *The Times*, has always displayed a paternal feeling for deserters from all armies. In recent acts, Congress has allowed a record of honorable discharge to be entered wherever any color of excuse could be presented. But in the practical application of these provisions by pension agents, and previous pension bureaus at Washington, the distinction between the honorably discharged soldier and skulking deserter has been virtually obliterated. Congress, no doubt, has the power to say that deserters may vote, and may even let them dip their craven hands into the public Treasury, but it remains yet to the honorable soldier to know that there is no power to change a true and correct record of desertion—that this must ever stand as a broad mark of dishonor between the honorable and the dishonorable soldier.

Until September, 1861, arrests of deserters were made in conformity with Section 1547 of the Statutes, which provided a reward for the apprehension and delivery of a deserter to an officer of the army. At that time General Orders No. 73 substituted a reward of \$5, instead of \$30, including all expenses, and, as a consequence, but few deserters were arrested. In April, 1862, the first organized attempt to arrest and punish deserters from the army was put into effect by the Adjutant General, under General Orders No. 36. Under this order, the duty of "collecting stragglers" and deserters was laid on the military commanders of cities. In June, General Order No. 61 called attention to the great number of officers absent on leave, and notified all such that they would be considered absent without leave unless found at their posts within fifteen days from the date of the order, or excused by the Adjutant General on proper certificate of disability. General Order No. 63 forbade commanding officers of companies or regiments to give furloughs on any pretext whatever, as such furloughs would not relieve a soldier from the charge of desertion. Provisions of military commanders to compel all soldiers not on treatment in a United States hospital to report without delay or be considered deserters. General Order No. 12 revoked all furloughs granted to paroled prisoners, and Order No. 78 forbade the unauthorized removal of soldiers from hospitals under penalty of being considered deserters.

General Orders No. 92 called upon all officers and soldiers absent without proper authority to return to duty before Aug. 11, 1862, and prescribed a muster of each regiment and corps on Aug. 18, all absentees to be considered deserters. Government, State, county, and judicial officers were authorized to arrest all officers and private soldiers fit for duty and absent from the army without just cause. On Sept. 24, 1862, by General Order, there was instituted a corps of Provost Marshals, to be controlled by a Provost Marshal General, whose duty it was to arrest deserters, etc. Col. S. Draper was made Provost Marshal, but no available records show how many deserters were arrested.

The First Enrollment Act.

March 3, 1863, the first Enrollment act became a law. It provided for the appointment of a Provost Marshal for every Congressional District, and a Provost Marshal General who should furnish the Provost Marshals with the name and residence of all deserters from the army and navy when reported to him by their commanding officers, and made it the duty of Provost Marshals to arrest all such. James E. Fry was appointed Provost Marshal General. Under Section 26 of this act the President on March 10 issued a proclamation pardoning all deserters who should voluntarily report before April 1. The number who returned is not on record, but it is believed to have been very small. March 24, 1863, General Order No. 72 required commanders of regiments, independent battalions, companies, and batteries, surgeons in charge of hospitals or detachments, and all persons in the military service controlling detached parties to report on the last day of every month, to the Provost Marshal General, the names of all men of their command who had deserted during the previous month, or who had not been reported. This report was to be made in the form of a descriptive list, setting forth, also, their place of residence and such available information as might lead to their arrest.

This bureau was organized April 8, 1863, and Major Chauncey McKeever was placed in charge of it. Considerable difficulty was experienced in procuring reports from commanding officers, and, in spite of numerous notifications some of the reports are

missing, as some of the regiments before being mustered out did not comply with the regulation, and hence the record of deserters can never be entirely completed. There are, however, nineteen volumes of "Deserters Arrested," on file in the War Department at Washington, and five volumes of records of the number of "deserters reported," together with two volumes of records of descriptive lists, and many other interesting volumes of reports, letters, &c., relating to the "Deserters Branch" of the Provost Marshal General's office. From these records of shame the following tabular statements of "desertion" are reported, from May, 1861, to Dec. 31, 1865, has been compiled:

| States, &c. | 1861. | 1862. | 1863. | 1864. | 1865. | Total. |
|---------------------------------------|--------|---------|--------|--------|---------|---------|
| United States regulars and volunteers | 2,515 | 4,968 | 4,911 | 11,270 | 21,158 | 47,722 |
| United States Veteran Reserve Corps | 90 | 1,149 | 1,302 | 2,538 | 3,538 | 9,517 |
| United States military posts | 37 | 6,755 | 2,769 | 9,561 | 9,561 | 28,053 |
| United States recruiting stations | 794 | 1,821 | 352 | 2,967 | 2,967 | 8,941 |
| United States draft rendezvous | 533 | 1,123 | 673 | 2,370 | 2,370 | 7,059 |
| New Hampshire | 276 | 7,443 | 1,837 | 6,840 | 3,480 | 20,976 |
| Maine | 424 | 772 | 593 | 213 | 1,878 | 3,870 |
| Massachusetts | 2,632 | 4,399 | 1,869 | 1,087 | 7,852 | 18,239 |
| Rhode Island | 469 | 947 | 358 | 99 | 1,973 | 4,846 |
| Delaware | 745 | 1,571 | 1,757 | 1,892 | 4,720 | 12,785 |
| New York | 29,037 | 29,869 | 9,516 | 5,528 | 44,913 | 119,263 |
| New Jersey | 4,011 | 4,011 | 9,561 | 674 | 3,480 | 22,739 |
| Pennsylvania | 10,333 | 14,420 | 5,436 | 4,444 | 24,050 | 58,683 |
| Virginia | 723 | 910 | 257 | 217 | 1,884 | 3,987 |
| Maryland | 2,877 | 3,982 | 1,017 | 229 | 5,323 | 13,428 |
| District of Columbia | 469 | 947 | 358 | 99 | 1,973 | 4,846 |
| West Virginia | 885 | 1,119 | 594 | 289 | 1,982 | 4,877 |
| Ohio | 9,244 | 11,298 | 4,113 | 2,943 | 18,354 | 56,052 |
| Kentucky | 4,621 | 5,458 | 1,633 | 1,836 | 9,227 | 23,835 |
| Indiana | 9,014 | 10,641 | 2,380 | 3,062 | 16,083 | 41,180 |
| Illinois | 1,364 | 1,766 | 454 | 407 | 2,627 | 6,618 |
| Missouri | 3,126 | 3,782 | 1,743 | 1,000 | 6,525 | 16,176 |
| Iowa | 1,658 | 2,087 | 1,285 | 1,136 | 3,415 | 9,571 |
| Wisconsin | 588 | 293 | 159 | 124 | 576 | 1,347 |
| Minnesota | 21 | 74 | 22 | 16 | 112 | 325 |
| Washington | 103 | 315 | 63 | 99 | 378 | 858 |
| California | 1,259 | 1,741 | 1,804 | 1,128 | 1,835 | 7,767 |
| Kansas | 1,141 | 1,329 | 371 | 222 | 1,922 | 5,025 |
| Nebraska | 149 | 204 | 44 | 60 | 308 | 765 |
| Colorado | 181 | 180 | 119 | 119 | 399 | 879 |
| Tennessee | 1,543 | 2,073 | 1,226 | 391 | 3,690 | 9,323 |
| Arkansas | 608 | 922 | 983 | 330 | 2,245 | 5,736 |
| North Carolina | 19 | 184 | 25 | — | 209 | 418 |
| South Carolina | 68 | 158 | 167 | — | 325 | 668 |
| Alabama | 210 | 357 | 63 | 27 | 523 | 1,257 |
| Mississippi | — | — | 63 | 87 | 150 | 300 |
| Florida | — | — | 150 | 189 | 428 | 767 |
| Louisiana | — | — | — | 344 | 169 | 513 |
| Texas | — | — | — | — | 453 | 453 |
| Total | 91,058 | 129,384 | 90,840 | 58,420 | 278,644 | 668,346 |

*Date of organization of the bureau.

In 1863 the monthly desertions averaged 4,647, in 1864 they averaged 7,333, and in 1865 they averaged 4,368. The aggregate of arrests was 18,743, or an average of about 2,412 a month. The desertions were most frequent in the regular army, 16,365 men having deserted from that arm of the service, or about 24 per cent. In the volunteer service 170,216 men deserted, being an average rate of only 6 per cent.

Most of the Deserters from Cities.

It appears from the statistical statements that the crime of desertion was especially characteristic of troops from large cities, and of the districts which they supplied with recruits. The ratio per 1,000 of desertions to credits throughout the loyal States was 22.51. In the State of New York it rose to 89.06, and in the smaller States near New York City it was still higher. In New Jersey it was 107, in Connecticut 117.23, in Virginia 122.42, in Pennsylvania 122.42, in Maryland 122.42, in Delaware 122.42, in Illinois being 59.97, Ohio 44.27, Indiana 37.44, Michigan 70.10, Wisconsin 35.57, Minnesota 20.54, and Iowa 19.50. It is a singular fact that the States of the Western States—Kansas and California—were distinguished respectively by the high ratio in desertion of 117.94 and 101.86. The border States' ratio was 39.40, Kentucky 87.58, and Missouri 64.34.

In general, the States which gave the highest local bounties, or the largest proportion of deserters, the bounty was meant to be an inducement to enlistment, but it became, in fact, an inducement to desertion. Regulations which forbade desertions were frequent among the drafted men, for their service was compulsory; but there were not many of this class in the ranks. The number of drafted men actually held to service was only 32,068, but there were 75,429 conscripts who substituted. Besides the substitutes there were 42,581 men who enlisted as substitutes for absentees, and 230,000 men who were enrolled under the Conscription act, and were liable to future drafts, but who secured exemption therefrom by sending men to the field in their place. The Western States—Kansas and California—were distinguished respectively by the high ratio in desertion of 117.94 and 101.86. The border States' ratio was 39.40, Kentucky 87.58, and Missouri 64.34.

The following statistical statement from the report of the Provost Marshal General shows the absentees at different periods during the war, with those present and their combined strength:

| Date. | Absent. | Present. | Aggregate. |
|----------------|---------|----------|------------|
| Jan. 1, 1861 | 1,704 | 14,663 | 16,367 |
| July 1, 1861 | 3,163 | 183,588 | 186,751 |
| Jan. 1, 1862 | 5,789 | 575,991 | 581,780 |
| March 31, 1862 | 108,142 | 523,984 | 632,126 |
| Jan. 1, 1863 | 219,389 | 698,802 | 918,191 |
| Jan. 1, 1864 | 249,487 | 611,290 | 860,777 |
| March 31, 1865 | 235,839 | 697,747 | 933,586 |
| May 1, 1865 | 202,709 | 797,807 | 1,000,516 |

It will be seen from the foregoing statement that the official records show that of the aggregate number of men in the Union Army at the close of the war, more than 25 per cent were deserters. This demonstrates the humiliating fact that, among the immigrants army freemen who were engaged in the defense of the Republic, one man in every five thought it no disgrace to desert the flag and Nation in the hour of their greatest need. And it is a further fact that but a small percentage of these men were the "battle-scarred veterans" who failed to appear at the final muster out of their commands.

Desertions to the Confederacy.

The above statistical statement also discloses the fact that a few days before Gen. Lee's surrender at Appomattox one-third of the Union Army was absent, or nearly 25 per cent were deserters. To stimulate desertion in the ranks of the Union Army, a counterblast to the manifesto prepared by Gen. Grant offering inducements to Confederates to desert, Gen. Lee's "Order No. 65" offering equal inducements to Union soldiers to desert, at first only excited amusement at the North, by whom it was considered one of that series of astute attempts on the part of the Confederates to put their cause, their measures, and their prospects on an equality with the United States Government. It was sufficiently obvious why the Confederate troops should desert to the North, and why the Union troops should desert to the South, where they could find their way to the ranks, and have opportunity to show their works the reason of the Confederate faith that was in them. And yet, strange as it may seem, desertions from the Union Army, to the Confederacy occurred, and occurred in serious numbers. Within a few months of the close of the war the evil to the Union Army grew to an alarming extent, as many thousands of men were sent off to the North according to The Richmond Examiner of the day following, over 100 deserters from the Union lines were sent off under escort to the North, and were consigned to Castle Thunder to await their turn to be forwarded home. A month later desertions had

become still more abundant. The Associated Press dispatch, dated from Headquarters, Army of the Potomac, Dec. 21, 1864, says: "For the week ending the 15th inst., 180 deserters from the Union Armies reached Richmond. They will be forwarded to the border, to start for their homes on blockade runners." Many deserters, it was said, had even joined the Confederate Army. Sheridan's

| Prior to April 8, 1865. | 1863. | 1864. | 1865. | Total. | |
|-------------------------|--------|---------|--------|--------|---------|
| 1863 | 4,968 | 4,911 | 11,270 | 21,158 | |
| 1864 | 90 | 1,149 | 1,302 | 2,538 | |
| 1865 | 37 | 6,755 | 2,769 | 9,561 | |
| 1866 | 794 | 1,821 | 352 | 2,967 | |
| 1867 | 533 | 1,123 | 673 | 2,370 | |
| 1868 | 276 | 7,443 | 1,837 | 6,840 | |
| 1869 | 424 | 772 | 593 | 213 | 1,878 |
| 1870 | 2,632 | 4,399 | 1,869 | 1,087 | 7,852 |
| 1871 | 469 | 947 | 358 | 99 | 1,973 |
| 1872 | 745 | 1,571 | 1,757 | 1,892 | 4,720 |
| 1873 | 29,037 | 29,869 | 9,516 | 5,528 | 44,913 |
| 1874 | 4,011 | 4,011 | 9,561 | 674 | 3,480 |
| 1875 | 10,333 | 14,420 | 5,436 | 4,444 | 24,050 |
| 1876 | 723 | 910 | 257 | 217 | 1,884 |
| 1877 | 2,877 | 3,982 | 1,017 | 229 | 5,323 |
| 1878 | 469 | 947 | 358 | 99 | 1,973 |
| 1879 | 885 | 1,119 | 594 | 289 | 1,982 |
| 1880 | 9,244 | 11,298 | 4,113 | 2,943 | 18,354 |
| 1881 | 4,621 | 5,458 | 1,633 | 1,836 | 9,227 |
| 1882 | 9,014 | 10,641 | 2,380 | 3,062 | 16,083 |
| 1883 | 1,364 | 1,766 | 454 | 407 | 2,627 |
| 1884 | 3,126 | 3,782 | 1,743 | 1,000 | 6,525 |
| 1885 | 1,658 | 2,087 | 1,285 | 1,136 | 3,415 |
| 1886 | 588 | 293 | 159 | 124 | 576 |
| 1887 | 21 | 74 | 22 | 16 | 112 |
| 1888 | 103 | 315 | 63 | 99 | 378 |
| 1889 | 1,259 | 1,741 | 1,804 | 1,128 | 1,835 |
| 1890 | 1,141 | 1,329 | 371 | 222 | 1,922 |
| 1891 | 149 | 204 | 44 | 60 | 308 |
| 1892 | 181 | 180 | 119 | 119 | 399 |
| 1893 | 1,543 | 2,073 | 1,226 | 391 | 3,690 |
| 1894 | 608 | 922 | 983 | 330 | 2,245 |
| 1895 | 19 | 184 | 25 | — | 209 |
| 1896 | 68 | 158 | 167 | — | 325 |
| 1897 | 210 | 357 | 63 | 27 | 523 |
| 1898 | — | — | 150 | 189 | 428 |
| 1899 | — | — | — | 344 | 169 |
| 1900 | — | — | — | — | 453 |
| Total | 91,058 | 129,384 | 90,840 | 58,420 | 278,644 |

cavalry, for example, were said to have captured about fifty, most of them substitutes, who had been sent to the Union line at Petersburg and joined the Confederate cause, and had been sent to the Shenandoah Valley that they might the more easily escape identification if captured there. In 1861, a company of Southern Illinoisians reported at Union City for duty in the Southern Confederacy and enlisted "for the winter" in the army of General Johnston, and were confined at Columbia, S. C., and were in active service. They were several times under arms, and were wounded. Among the prisoners confined in Fort Delaware during the last days of the war were two deserters from the Confederate Army, who had been discovered as belonging formerly to the Union Army. One was a member of the Ninth New-York Artillery, and the other of the Seventy-third New-York. One deserted from the Union Army at Woodlands, Md., and the other from Frederickburg, Va.

During the Spring and Summer of 1864 the bounty-jumping business was flourishing, and many men northward from the Potomac to the Susquehanna, the line for its starting place a point on the Potomac River at or near Seneca Creek, and terminated at Fort Deposit, on the Susquehanna, were making their way to certain distances apart, were stations or places of rendezvous. The proprietors of these stations, as soon as a certain number, usually ten or twelve, had gathered, would convey them by night to the next station, and the proprietor of that station would then convey them, together with any that he might have at his own station awaiting transportation, to the next station, and so on in order. The last stationmaster landed his passengers at the Susquehanna. Once across the river, these men were ready to do anything, and a wily substitute broker might be offered by the wily substitute broker, who, no doubt, felt highly delighted to see his old friends back so soon. And so their wily substitute broker, and the substitute brokers did a flourishing business until it was discovered and broken up by Major Gen. Schenck, then in command of the Department of the Potomac, by orders from the War Department.

Another underground railway was in operation in the neighborhood of Fort Mifflin, where the Government sent its recruits to the army, and where the substitute brokers sent them back. About Jan. 1, 1865, the Government determined to break the line up, and sent an expedition on a raid for the purpose of capturing the brokers of substitute and bounty brokers passing from the Union lines to the Confederates and a large number of men in the act. But these are only a few examples of what grew to be a great evil. A correspondent of *The New-York Times*, speaking of the desertions from the Army from desertion in January, 1865, says:

"As an illustration of how some of them disappeared, here is the record of one single regiment among those that have come to the attention of the Government. The substitutes sent from Concord, N. H., to join the Fifth New-Hampshire Volunteers, amounting to 925 men, 137 deserted on the passage, leaving only 788 to arrive at the regiment. Of the 788 who got to the regiment and were assigned to companies, 82 deserted to the enemy from the picket line, 48 deserted to the enemy, without being discharged as utterly worthless, their physical incapacity being so glaring and of such long standing that they must have been known at the time of enlistment. It has been ascertained that Concord to have their cases of enlistment investigated by order of the War Department, and 625 of these were discharged by order of the War Department.

"Thus, out of 625 of these bounty-tempted warriors sent to one regiment only since August last, there are only 359 left; 266 of these have come to the attention of the War Department through the same venal influence and probably gone through the same loose or fraudulent examination, it is impossible to tell how many more will follow suit, in spite of the death penalty before them. I use the term fraudulent advisedly; for out of the four discharged as utterly worthless one man had one leg several inches shorter than the other, one had hernia, that had made him a cripple for many years past, and the two others were such impracticable imbeciles that any imbecile, without a particle of mental knowledge, must have seen at a glance that they were utterly incapable of any duty whatever, mental or physical. These are shameful revelations, but the sooner the public is made acquainted with the existence of such monstrous abuses the sooner do we stand a chance of seeing them rectified."

To stop this wholesale desertion during the last days of the war the death penalty was enforced with greater frequency. For instance, on Friday, Dec. 16, three deserters were shot; on Friday, Dec. 23, four more were executed, followed on Friday, Dec. 30, with one, and on Friday, Jan. 6, with four more. But the execution of the death penalty did not stop the terrible and disgraceful condition of affairs in the

Eastern Army, and finally President Lincoln, in accordance with an act of Congress approved March 3, 1865, issued on the 10th the following proclamation:

"Now, therefore, be it known that I, Abraham Lincoln, do issue this my proclamation, as required by said act, [the act approved March 3, 1865,] ordering and requiring all deserters to return to their proper posts, and I do hereby notify them that all deserters who shall within sixty days from the date of this proclamation, viz., on or before April 10, 1865, return to service or report themselves to a Provost Marshal, shall be pardoned on condition that they return to their regiments and companies, or to such other organizations as they may be assigned to, and serve the remainder of their original terms of enlistment, and in addition thereto a period equal to the time lost by desertion."

On March 12 following Gov. Andrew of Massachusetts also issued the following special appeal to the deserters from his State to join their commands:

"I avail myself of the earliest opportunity after the proclamation of the President in this public manner to advise all persons liable to the charge of desertion to report themselves immediately to the nearest Provost Marshal, to return to duty and obedience, to retrieve their reputations, and to avoid the punishment hereafter, and save from certain forfeiture their precious rights as American citizens. I appeal to the patriotism and manly pride of all deserters—especially to the mothers and wives, who have heretofore invoked so often my advice and interposition, earnestly beseeching the pardon, and as a man to enforce and persuade the absent to return, seek the shelter, pardon, honor, and happiness which now await them under the Union flag."

The Maine House of Representatives about the same time, for the purpose of driving the deserters from that State back into the army, passed a resolution providing for an amendment to the Constitution of the State disfranchising deserters and absentees from military drafts. All of these measures had little practical effect in accomplishing the purpose desired. The proclamation of President Lincoln was extensively published everywhere, and constant attention was called to its provisions. The deserters were through the Provost Marshals and otherwise, and yet Provost Marshal General Fry says only 1,755 deserters availed themselves of it. At the expiration of the sixty days allowed for the voluntary return of deserters, orders were issued to recommence their arrest; but as almost all deputies and special agents had before that time been discharged, the arrest of the deserters, which had been increased from \$5 to \$30, discontinued, but few arrests were made. As a consequence at the close of the war there were still 278,644 deserters on the army rolls, or more than 25 per cent. of those mustered out of service.

Honorable Discharges for Deserters.

In cases where the deserter did not avail himself of the proclamation issued by President Lincoln, honorable discharges have since been secured under the authority of laws enacted since the pension expansion began. These laws have been made to cover almost every conceivable case of desertion, and give the deserter an easy path to an honorable discharge, and a little later to a pension. At the close of the war 278,644 deserters were entered on the rolls of the War Department as "deserters." Since then nearly all of these skulkers have been restored to good soldiery and perhaps to the pension roll, and the vast majority of the virtual end of the war they left for home without authority. There was no sense or justice in even attempting to place deserters on an equal footing with the faithful soldiers who remained in the ranks of duty until properly discharged. It is putting shame upon the living and belittling their records, and it is an insult to the honored dead who died at the post of duty in the forefront of battle.

The plea that the war was over, and better near home the men left, intending to be discharged, is childish. Why did not all do so? The war was not proclaimed to be at an end until Aug. 20, 1866, and it never entered the head of any soldier that after the right to free himself from his obligation to serve, or of its necessity, until the proper authority so declared. The case of the First Michigan Cavalry was an instance in point. The march of the First Michigan Cavalry was ordered out there. Upon reaching Fort Leavenworth, Kan., some 200 enlisted men of this regiment deserted, and went home, claiming that the war was over, and that they could not legally be sent against the Indians.

The immediate result of this act of mutiny was seriously to affect and greatly to destroy the efficiency of the regiment, notwithstanding which the remnant of it performed notable service and remained in the service until March, 1866, when it was among the last of the volunteer regiments to be mustered out.

It was afterward decided, first, that the retention of this regiment as a legal entity, and that the order sending it against the Indians was valid, and, third, that the offense of these men, taken in connection with the charge of desertion, was not a desertion. Notwithstanding these facts, the men of the First Michigan Cavalry claimed to be relieved from the charge and were afterward placed upon the pension roll upon an equal footing with their fellow-soldiers who remained with their colors and who were faithful to their duty and honor until the close of the war. Congress admitted the claims of many deserters to pensions by the passage of the act approved Aug. 7, 1882. By this act the charge of desertion was made, and should be removed whenever it was proved to the satisfaction of the Secretary of War that the soldier served in the line of duty, or with reason of his wounds or disease, unable to be with his company when it mustered out; or where it was proved to the satisfaction of the Secretary of War that the soldier "charged with desertion or with absence without leave, did not intend to desert," and after the charge of desertion voluntarily returned to his command and served until he was mustered out. This law also specifically provided that when the charge of desertion was removed under its provisions, the Adjutant General should issue an honorable discharge.

By an act approved July 5, 1884, the Secretary of War was authorized to remove the charge of desertion from the records and issue an honorable discharge in the following cases: On proof that the soldier, after being discharged, returned to duty, and within a reasonable time thereafter, voluntarily returned to his command and served faithfully to the end of his term of service. On proof that the soldier absented himself without proper authority