

Legislative Document No. 15.

REPORT

OF THE

ADJUTANT GENERAL OF KENTUCKY

TO

HIS EXCELLENCY GOVERNOR STEVENSON,

FOR THE YEAR 1869.

FRANKFORT, KY.:
PRINTED AT THE KENTUCKY YEOMAN OFFICE.
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GOVERNOR'S LETTER.

EXECUTIVE DEPARTMENT,
FRANKFORT, January 25, 1870. }

Gentlemen of the Senate and House of Representatives:

I have the honor to transmit the Report of the Adjutant General for the past year, with the accompanying documents, which I have just received.

J. W. STEVENSON.

REPORT OF THE ADJUTANT GENERAL.

ADJUTANT GENERAL'S OFFICE,
FRANKFORT, KY., November 30, 1869. }

To his Excellency JOHN W. STEVENSON, Governor and Commander-in-Chief:

SIR: I have the honor to submit the following Report of the operations of this office, for the year ending November 30, 1869.

MILITIA IN THE FIELD.

In obedience to your instructions, on the 2d day of August I ordered into active service several companies of the organized militia of Louisville, with a view to lend assistance to the civil authorities of Mercer and some of the contiguous counties, in which acts of lawlessness had occurred beyond the power of suppression by the ordinary processes of law.

The cessation of these acts, which had suggested the call, rendered it unnecessary to send the militia to Mercer county; but in consequence of similar disturbances in Marion county, three companies of infantry, under command of Major F. G. Allen, of Louisville, were ordered to Lebanon on the 19th of August. After remaining in that vicinity for several weeks, and it being evident that a cavalry force alone was available for the service required, the infantry from Louisville were relieved from duty on the 6th of September. In their stead a mounted company from Woodford county, commanded by Captain S. T. Leavy, was ordered to the same field of duty, and continued in active service until October 18th, when they were relieved from duty and returned to their homes.

Accompanying this report (marked "A,") will be found the orders issued to the active militia while on duty, the efficiency of whose service has been demonstrated by the almost entire disappearance of that lawless spirit which was the occasion of calling them out. It gives me pleasure to bear testimony to the readiness with which the call of the State was

obeyed, and to commend especially the officers and men of Captain Leavy's company for their soldierly bearing and efficient service.

I regret to state that private Allen Cooper lost his life at the hands of one or more citizens of Springfield, under circumstances which led to a judicial investigation. Expenses for the prosecution were incurred by Captain Leavy in the employment of counsel, for the payment of which there is no provision of law. I respectfully recommend your approval of the account, in whole or in part, and that provision be made by law for its payment.

The Reports of the Quartermaster General and Auditor of State will exhibit the cost of the military service of these companies, the only connection with their payment had by this office being the making out and certifying to the pay accounts and muster rolls.

OFFICE WORK.

With the exception of this special service, the business of this office has been confined to its ordinary routine of duty. A large amount of correspondence has been had during the past year with the several departments at Washington in furnishing information sought in regard to the military history of Kentucky soldiers during the war. This information relates principally to the substantiation of claims of widows and heirs at law of deceased soldiers for pensions, bounty, and back pay. An equally large number of letters comes from all parts of this and other States from surviving soldiers who served in Kentucky regiments, seeking similar information to supply the loss of commissions, discharges, and other evidences of service necessary to secure their dues. During the year eleven hundred (1,100) letters have been written, of sufficient importance to reserve copies, besides a large number which were not deemed of sufficient public interest to require the retention of copies.

I have, without effect, renewed my efforts to obtain, from the War Department at Washington City, the copies of rolls contemplated in resolutions of the Legislature of February 12, 1864, and January 26, 1866.

Accompanying this report (marked "B"), I transmit the reply to my last application, which I request shall be published in an appendix, in order that persons desiring information respecting the service of negro soldiers from Kentucky in the United States army during the war may apply to Washington as the most direct and only certain means of procuring it.

CLAIMS AUDITED.

Under the act approved August 31st, 1862, and the amendments thereto, the following claims have been audited during the year, and the amounts found due certified by me to the Auditor for payment, viz:

John Wright, Company E, 27th Kentucky Infantry	\$52 00
Jourdan T. Overfelt, Montgomery's Company, 27th Kentucky Infantry	3 90
Isaac M. Quisenberry, Penn's Company, 27th Kentucky Infantry	3 90
Alexander C. Kidd, Montgomery's Company, 27th Kentucky Infantry	3 90
Albert Kidd, Penn's Company, 27th Kentucky Infantry	3 90
Daniel L. Evans, Montgomery's Company, 27th Kentucky Infantry	3 90
John J. Mouser, Penn's Company, 27th Kentucky Infantry	3 90
John C. Fegett, Montgomery's Company, 27th Kentucky Infantry	16 90
Jillson Perry, Company C, 31 Kentucky Cavalry	14 39
Clinton J. True, Adjutant 45th Kentucky Infantry	375 59
John W. Polston, Company G, 5th Kentucky Cavalry	20 36
James Luckey, Company D, 5th Kentucky Cavalry	66 30
Willis Sharp, Company G, 5th Kentucky Cavalry	51 13
John Petty, Company D, 5th Kentucky Cavalry	84 99
Davidson Thrasher, Company E, 5th Kentucky Cavalry	58 36
Aaron Capps, Company G, 5th Kentucky Cavalry	92 30
James Asbury, Company E, 5th Kentucky Cavalry	22 10
William Roe, Company F, 5th Kentucky Cavalry	55 03
William Sewell, Company E, 5th Kentucky Cavalry	33 36
John J. Johnston, Company G, 5th Kentucky Cavalry	51 56
James Eldridge, Company G, 5th Kentucky Cavalry	136 57
Sampson Milton, Company E, 5th Kentucky Cavalry	39 86
Gentry Smith, Company G, 5th Kentucky Cavalry	16 99
Levi Capps, sr., Company G, 5th Kentucky Cavalry	18 63
Richard Webb, Company E, 5th Kentucky Cavalry	25 13
	\$1,254 86

Claims are being forwarded to this office to be audited under this law, many of which are not included in its provisions, and are more properly referable to the War Department at Washington. It is evident, from the records of this office, exhibiting the class of soldiers entitled to its benefits, that there remain but few who can avail themselves of its provisions.

That no injustice may be done to any, however few, I recommend that, should the General Assembly propose its repeal, the same should not take effect until twelve months after the passage of the act, which would operate as notice to all concerned.

ENROLLED MILITIA.

I have to report the usual remissness by some of the county clerks in making to this office the returns of enrolled militia according to the requirements of the militia law.

Particular disregard is paid to article 2, sections 1 to 3. Returns have been received from ninety-four (94) counties for 1869, as follows:

.....	1,410	Kenton	6,813
.....	1,304	Knox	1,125
rson	1,086	Larne	1,124
d	1,543	Laurel	1,014
en	2,138	Lawrence	1,257
.....	1,277	Letcher	592
.....	1,549	Lewis	1,382
urbon	1,268	Lincoln .....	.....
yd	1,205	Livingston	1,085
Boyle	530	Logan	2,467
Bracken	2,048	Lyon	873
Breathitt	746	Madison .....	.....
Breckinridge .....	.....	Magoffin	677
Bullitt	1,051	Marion	1,096
Butler	1,385	Marshall	1,524
Caldwell	1,311	Mason	2,289
Calloway	1,663	McCracken	1,938
Campbell	3,193	McLean	1,030
Carroll	983	Meade	1,384
Carter	1,422	Menifee .....	.....
Casey	1,112	Mercer	1,274
Christian .....	.....	Metcalfe	1,093
Clark	1,272	Monroe	1,117
Clay .....	.....	Montgomery .....	.....
Clinton	844	Morgan	937
Crittenden	1,389	Muhlenburg	1,576
Cumberland	799	Nelson .....	.....
Davies	3,230	Nicholas	1,113
Edmonson	764	Ohio	2,108
Elliott	549	Oldham .....	.....
Estill	1,114	Owen	2,102
Fayette	2,920	Owsley	890
Fleming	1,370	Pendleton	2,014
Floyd	1,123	Perry .....	.....
Franklin	1,493	Pike	1,265
Fulton	884	Powell	346
Gallatin	628	Palaski	2,295
Garrard	1,238	Robertson	838
Grant	1,572	Rockcastle	968
Graves	2,674	Rowan .....	.....
Grayson	1,422	Russell	1,605
Green .....	.....	Scott	1,264
Greenup	1,576	Shelby .....	.....
Hancock	941	Simpson	1,171
Hardin	2,454	Spencer	917
Harlan	588	Taylor	860
Harrison	2,187	Todd	1,513
Hart	1,908	Trigg	1,623
Henderson .....	.....	Trimble	870
Henry	1,473	Union	1,963
Hickman .....	.....	Warren	2,980
Hopkins	1,820	Washington .....	.....
Jackson	682	Wayne .....	.....
Jefferson .....	.....	Webster	1,399
Jessamine	616	Whitley	1,283
Johnson	1,058	Wolfe .....	.....
Josh Bell .....	.....	Woodford	714

ORGANIZATION OF THE MILITIA.

The militia law of the State, and the system contemplated by it, are full of defects, and require thorough revision. However well devised for a state of war which existed at the time of their adoption, it requires but little examination to satisfy one that they are ill suited for peace. The

law is cumbersome and unnecessarily complex in its details, and the provisions for effectively organizing the militia under it are wholly inadequate to any systematic effort in that direction. The popular mind is so thoroughly impressed with the same conviction, that but little interest is manifested in the formation of companies. So general is this apathy, that though every encouragement has been held out to secure an increase of organizations, but one or two new companies have been reported to me during the past year. I respectfully suggest that the Legislative Committees upon Military Affairs, at the approaching session of the General Assembly, give their attention either to so amending the present militia law as to make it effective, or to the enactment of a new one. And in this connection I commend to their attention the militia laws of Maryland and New York as embodying valuable practical features of military organization.

Very respectfully,

Your obedient servant,

FRANK WOLFORD,

Adjutant General of Kentucky.

APPENDIX.

[A]

HEADQUARTERS KENTUCKY VOLUNTEERS,
ADJUTANT GENERAL'S OFFICE,
FRANKFORT, August 19, 1869. }

To MAJOR F. G. ALLEN, *Commanding* ——— *Regiment Kentucky National Legion:*

SIR: I send to you the following orders to assist you in the discipline and government of your command, and in the discharge of your duty:

1. You will see that your command is properly armed and supplied with plenty of ammunition; to enable you to do this, make your requisition immediately.

2. You will make no military arrests. You are only to assist the civil officers in making arrests. You will go with any civil officer in this Commonwealth and assist him in arresting any person against whom he has a warrant, issued from the proper authority, for a felony or misdemeanor; but in making the arrests violence must not be resorted to, or the person to be arrested hurt, if it can be avoided.

3. After an arrest is made, you must protect the person arrested from insult and violence, and not suffer him to be injured; see that he has a fair trial, and that the civil authorities are not molested while they are trying him; and that he is not taken from their possession, nor from the jail of your county, by a mob; and after trial, if he is acquitted by the civil authorities, you are to protect him; and every person charged with a crime, who has or shall surrender to civil authority, and give bail for his appearance in court, must be protected by you from insult, violence, and injury.

4. You are to disperse all armed bands of men assembled to resist the law, without resorting to violence, if possible. After they disperse and abandon their designs, or lay down their arms, you are not to injure them.

5. The men under your command must not steal, rob, get drunk, insult citizens, or enter the house of any person (only to arrest felons) without the consent of the owner.

6. You will be held responsible for the good conduct of the men under your command, and will not be excused unless you put under guard and bring to punishment every man who violates these orders.

7. You will be permitted to arrest any outlaw, for whom the Governor of this Commonwealth has offered a reward, without a civil officer being with you, and lodge him in the jail designated in the Governor's proclamation, provided no more violence is resorted to than is absolutely necessary to enable you to make the arrest and is required for the safety of your command.

8. Every man under your command must be delivered promptly to the civil authorities when charged with a violation of the law. Every officer commanding a company of State Militia has received the same order

that you have, and you are admonished to treat each other with proper respect, and not to arrest any person belonging to another company, but refer the arrest to the officer commanding that company, unless, on extraordinary occasions, to prevent the commission of a crime or the escape of a criminal.

FRANK WOLFORD,
Adjutant General of Kentucky.

[B]

WAR DEPARTMENT,
ADJUTANT GENERAL'S OFFICE,
WASHINGTON, D. C., August 31, 1869. }

GEN. FRANK WOLFORD, *Adjutant General State of Kentucky, Frankfort, Kentucky:*

GENERAL: Referring to your letter of the 19th instant, explanatory of the object for which you desire copies of the muster-out rolls of certain colored regiments, for which rolls application was made in your letter of February 19, 1869, I have the honor to inform you that the regiments in question, although recruited principally in the State of Kentucky, were United States troops, organized under the immediate orders of a bureau of this office, established for that purpose, and are viewed as on a different footing from volunteers raised under the direction of the respective States; therefore, it is decided, that in the case of these troops, all information necessary to the settlement of claims against the Government should be furnished alone by this Department to the accounting officers of the Treasury and the Commissioner of Pensions, after the claims have been filed.

Any information from the records that may be necessary in the settlement of claims against the State of Kentucky, should such claims arise, will be promptly furnished the Adjutant General of the State upon his application.

I have the honor to be,

Very respectfully,

Your obedient servant,

THOS. M. VINCENT,
Assistant Adjutant General,