

IN ASSEMBLY, MAR. 29, 1850.

REPORT

Of the Select Committee on the subject of the New York Volunteers. The select committee, to which was referred the subject of the New York Volunteers, would respectfully

REPORT:

That, upon investigation of the subject, and in order to a clear understanding of the object contemplated in the resolutions, relating to the New York Volunteers, the following facts have demanded attention.

Independence having been declared by the citizens of Texas, in June, 1829, and the small American population then found in that country having been soon after dispersed or slain, a permanent settlement of Americans was effected in the year 1821, and by the year 1826, a large number of American citizens, from many of the States of the Union, had settled, improved the lands, and built up towns and villages.

By the year 1833, the great majority of the people were either Americans or had become Americanized, and were continually making such improvements in laws, the arts, and sciences, as were in accordance with American institutions. At this time, it was found that the laws of Mexico, under which they were compelled to act, were uncongenial with the spirit of American enterprise; and finding all efforts to have such laws enacted by the government of Mexico as were, in their judgment, consistent with the well-being of a free and

intelligent people, they deliberately resolved to organize themselves into a distinct and separate state.

In December, 1836, an election was held, in which every voter expressed his wish for or against annexation to the United States. The result of that election was, that out of about four thousand votes cast, only about one hundred were given for a separate government.

The president of Mexico, Santa Anna, had overthrown the federal government, and assumed supreme and absolute power. Previous to the declaration of independence, the people of Texas had asked admission into the confederation as a separate state, but the Mexican Congress paid no attention to their petition, and imprisoned the agent sent to treat with them. Soon after this Santa Anna endeavored to have an act executed preventing any American from settling in Texas.

These aggressions and usurpations of power, excited the citizens of Texas to resistance, and on the 26th of September, 1835, they defeated a party of Mexicans at the town of Gonzales, on the Rio Guadalupe.

This was the commencement of a revolution which continued until Santa Anna was captured at the battle of San Jacinto, and led, subsequently, by a solemn obligation to bind himself to acknowledge and ratify a constitution formed in March previous.

The boundaries of Texas, as then defined, were " Beginning at the mouth of the Rio Grande, thence up the principal stream of said river to its source, thence due north to 42 degrees north latitude,

thence along the boundary line, as defined in the treaty between the United States and Spain in 1819 to the beginning."

Texas continued negotiations with the United States, Great Britain France and Mexico, up to 1843, when negotiations were opened between Texas and the United States, and a treaty of annexation was signed by Hon. John C. Calhoun, secretary of state, in April, 1844.

This step seemed to be forced upon the government by the course of policy pursued by Great Britain.

On the 22nd of April, 1844, Mr. Tyler submitted a treaty of annexation which was rejected, and left the matter open for discussion. The subject seemed to take a political turn, and was discussed during the canvass preceding the election of Mr. Polk, and apparently approved by the people of the United States. In 1845, Congress took action on it, and on July 4, 1845, Texas became one of the states of the Union.

It was deemed necessary that a portion of the American army should be sent into Texas to protect her frontier, and in the same year Gen. Taylor was ordered to proceed there, and take such position as would best protect the border settlements. He proceeded from Corpus Christi to the Rio Grande, and commenced the building of a fort opposite Matamoras, Mexico. In all his communications with the Mexican authorities, Gen. Taylor gave every assurance that his intentions were of the most friendly and peaceable character, and that his orders and instructions from government were, to cultivate the most friendly relations with the Mexican government. But a short time, however, had elapsed, when Gen. Taylor sent out Capt. Thornton,

with sixty-three dragoons, to watch the course of the river. When about thirty miles from the camp they were surrounded by a large body of Mexicans, and sixteen of the detachment were killed and the remainder taken prisoners. A few days after, Capt. Walker, with the Texan rangers, was also attacked and several of his men killed.

Gen. Taylor, in writing to the Department of War at this time, states the case of the attack upon Capt. Thornton's command, and informed the government that he considered hostilities as having commenced, and also that he had made requisition on Louisiana and Texas for five thousand men, "which", he says, "I consider necessary to carry on the war with energy and into the enemy's country, as it should be."

On the 1st of May following, Gen. Taylor left with a large portion of his force for Point Isabel, where he had fixed his principal depot of provisions. On his return, on the 24th, he met a large body of Mexican soldiery, and fought the memorable battle of Palo Alto, and on the day following the battle of Resaca de la Palma, and then followed the Mexican army over the Rio Grande to Matamoras.

Soon the news reached the states that war had been made upon our army, that our flag had been insulted, and that American blood had been shed. The chivalry of the North, the South, the East, and the West, was aroused, and thousands rushed to arms. The executive of the United States issued a proclamation that the services of 50,000 men would be wanted, and that in the State of New York he wished seven regiments to hold themselves in readiness; many flocked to the standard of their country.

The only regiment that was commissioned in this State and sent direct to the scene of war, was that of the first regiment of New York Volunteers, under the command of Col. Ward B. Burnett. The officers received their commission, and together with the men were mustered into service in January, 1847, and during the same month embarked, as follows: companies C, D and E, in the ship "Catherine," under command of Major James C. Burnham; companies A and G, in the barque "Isabel," under Captain Charles H. Shaw; companies H, F, and part of K, in the brig "Empire," under Col. Ward B. Burnett; companies I and the balance of K, in the barque "Jubilee," under Capt. Merton Fairchild, and company B, under Lieut. Col. Baxter.

The usual incidents of embarkation and sea voyage need no comment here. On one occasion, however, on the 28th of January, the brig Empire encountered a severe gale, during which William H. Jeffries, of Troy, N. Y., a private, fell overboard, and notwithstanding every exertion was made to save him, he was lost amidst the angry elements, and sleeps in the ocean. On another occasion, the Empire had arrived in sight of the Brazos, when she experienced a second gale, which with great violence drove her out to sea, where for four days she was out of sight of land. On one dark night during this storm, she shipped heavy seas, and was in great danger of being lost, but owing to the efficient aid rendered by officers and soldiers, she survived. It is worthy of remark, that during this storm, Mrs. Burnett the wife of Col. Ward B. Burnett, retained the greatest composure, and by her courage and animating example in this perilous hour, gave confidence and hope to all on board. Such conduct on the part of

American ladies has ever been matter of admiration, and in this case we are glad to record a distinguished proof that the spirit of the matrons of '76 animates the daughters of our happy land.

The Empire was soon enabled to cast anchor off the Brazos, when Col. Burnett, with other officers, went on shore, and having received orders from Gen. Scott they immediately set sail for "Lobos," where with other detachments they disembarked and joined the brigade for duty.

Soon after the disembarkation of the regiment at "Lobos" island, the "colors" presented by the corporation and citizens of New York were formally delivered to the proper officers.

We beg leave to introduce some of the most striking incidents illustrative of the character and conduct of the volunteers while in Mexico, from the many which have come to our knowledge.

On the presentation of the "colors", the regiment was on parade within fifty yards of the rolling surf of the Gulf of Mexico. Advancing to the front, the officers ranged themselves around their standard, and repeated after Col. Burnett an oath, solemnly promising to sustain the honor of their flag with their lives, and never to surrender it or to allow its glory to be tarnished, while life remained. The appearance of that emblem of our "Empire State", increased the ardor and courage of the officers and soldiers.

On the battlefield they remembered their vow, and the result was that many were killed with the color-staff in hand; and as one would fall, another eagerly seized the staff, and sustained it until he shared a similar fate. The case of color-sergeant Paul M. T. . . .

landing of the regiment until the day previous to the battle of "Churubusco." Being quite sick, he was urged by a young friend to report himself, as, to all appearance, he was unable to endure the fatigue of another day. He replied, "I cannot, for I have borne the colors up to the present, and it would be said that I gave them up because the battle is to be fought to-morrow. I will carry them, but I shall not return alive; all I ask is, that the American people will take care of my wife and children." He was noticed, by many, in the hottest of the battle, bearing aloft the banner, and while a storm of bullets sought him as a mark, he received a wound in the hand which grasped the staff, and he was compelled to change it to the other. He then received wound after wound until he fell, when upon examination of his person, six balls had taken effect upon his body.

The following is taken from Col. Burnett's report of that battle: "The field was gloriously won; and to both officers and men I tender my heartfelt thanks. Their fame will soon reach the State, whose banner they so nobly sustained, and the highest reward that a soldier can desire will be theirs; the grateful acknowledgments of their fellow citizens. It is a sad truth however, that this honor has been purchased by the sacrifice of many brave and gallant spirits. The gallantry displayed at the colors, which were always in advance, and where so many were shot down, deserves particular notice. It was here that the gallant Chandler fell. The national colors first fell from the hands of Romaine, into corporal Lake's who was immediately wounded; then into the hands of private Tweedy, who shared the same fate."

It is unnecessary to enter into farther detail. Suffice it to say, that this regiment was conspicuous in every brilliant engagement and

pausing not to consider personal interests, they were amongst the most daring, courageous, and successful of our noble army. We would refer those interested to Col. W. B. Burnett's report, where a thrilling account is given of the different engagements in which the New York Volunteers took part. Facts develop, that in the siege of Vera Cruz, in the battle of Cerro Gordo, in the pursuit of Santa Anna in advance of the whole army, in the desperate engagements of Contreras, Churubusco, and in the siege and capture of the city of Mexico, on every occasion, the 1st Regiment of N. Y. Volunteers displayed matchless prowess and unparalleled bravery.

The brave Gen. Quitman, in his official report, says: "At the base of the hill, constituting a part of the works of the fortress of Chapultepec, and directly across our line of advances, were the strong batteries before described, flanked on the right by some strong buildings, and by a heavy stone wall about fifteen feet high, which extended around the base of the hill towards the west. Within two hundred yards of these batteries were some dilapidated buildings, which afforded a partial cover to our advance.

"Between these and the wall extended a low meadow, the long grass of which concealed a number of wet ditches by which it was intersected. To this point the command, partially screened, advanced by a flank, the storming parties in front, under a heavy fire from the fortress, the batteries, and breastworks of the enemy. The advance was here halted under the partial cover of the ruins, and upon the arrival of the heads of the South Carolina and New York regiments respectively, Gen. Shields was directed to move them obliquely to the left, across the low ground, to the wall at the base of the Hill. Encouraged

by the gallant general who had led them to victory at Churubusco, and in spite of the obstacles which they had to encounter in wading through several deep ditches, exposed to a severe and galling fire from the enemy. These tried regiments promptly executed the movement and effected a lodgement. In directing the advance, Brig. Gen. Shields was severely wounded in the arm. No persuasions however could induce that officer to leave his command or quit the field. The brave Capt. Van Olinda of the New York regiment, was killed at the head of his company. Lieut. Col. Baxter, of the same regiment, a valuable and esteemed officer, while gallantly leading his command, fell, mortally wounded, near the wall. The gallant New York regiment claim for their standard the honor of being the first waved from the battlements of Chapultepec. The veteran Mexican General, Bravo, with a number of officers and men, were taken prisoners in the castle. They fell into the hands of Lieut. Charles Brower, of the New York regiment, who reported them to me."

All are familiar with the history of the close of the war, and the return of the army from Mexico. It remains for us now finally to make a few statements with reference to our investigations into the actual number of the survivors, and their families. From the best sources we learn, and herewith present, the following facts:

The whole number that departed originally for the seat of war, was 805.

Of these there died in Mexico, or were killed in battle	227
" discharged from disabilities, wounds, sickness, etc	226
" missing and deserted	35
Died since their return	56
Known to be living	106

Of those discharged in Mexico, as above stated, in number 226, very few have been heard of. It is supposed that most of them died, being sick when discharged.

Of those known to be living, numbering 106, nearly all are broken down by disease, hardships, or wounds received in the campaign, and are unable to support themselves. In addition to the above number, there were 270 recruits sent out to reinforce the regiment, but did not reach Mexico until after the battles had been fought, and the hardships of the campaign were over. Nearly all of that number returned in about their usual health, and have dispersed to different parts, and so far as we can learn, very few, if any, experienced any loss or serious injury from the effects of the war. And although they manifested equal gallantry in going to aid their fellow soldiers, yet they were relieved from all their sufferings. They received the same pay, extra pay and land as those who were in all the battles. Such men deserve the honor of their country, and such further reward as their state or the government may see proper to give.

We extract the following from a letter received from a physician:

"The physical condition of every member of the regiment has been impaired to some extent, and in some instances, recovery is entirely hopeless. Dysentery and chronic diarrhoea have been the prevailing diseases, and few have escaped their fatal effects. Most of the patients now under treatment, are confined to their beds, and so great is their debility, as to render almost futile every attempt at successful treatment. There are but three members within the knowledge of the undersigned, who are in a condition fit to obtain a livelihood.

Their diseases and present infirm condition are incident to and have grown out of their campaign in Mexico."

Besides this statement of the physician, we have received information of others in different places who are sick and in a suffering condition. Who can doubt the fact, as stated by this physician, when those brave men were called to pass through such scenes as is described by an officer in the following language:

"As we were within reach of their batteries, which could enfilade the road in which we lay, we built a stone breastwork at either end, to conceal ourselves from their view and grape. There we were, completely surrounded by the enemy, cut off from our communications; ignorant of the ground, without artillery, weary, dispirited and dejected; we were a disheartened set, with Santa Anna and Salas' promise of "no quarter",- a force of four to one against us, and one half defeated already - no succor from Puebla, and no news from Scott, - all seemed dark. Suddenly the words came wa^{ed}ispering along, 'We storm at midnight!' Now we were ourselves again.

"But what a horrible night! There we lay; too tired to eat, too wet to sleep; in the midst of that muddy road; officers and men side by side, with a heavy rain pouring down upon us; the officers without blankets or overcoats - they had lost them in coming across! - and the men worn out with fatigue.

"About midnight the rain was so heavy that the streams in the road flooded us; and there we stood crowded together, drenched and benumbed, waiting till daylight."

This was only one of the many nights and days spent in a similar condition. Who then will wonder that those men who thus suffered should have returned with constitutions (once strong) shattered and broken.

It was not only the exposure to storms, hard marches, scanty and half-cooked food, &c., that was calculated to bring diseases and premature death, but such scenes as is described upon the battle-field. In speaking of the attack upon the citadel of San Pablo, one remarks:

"The veteran regiments of Smith and Riley quailed not amidst the whirlwind of fire, and the storm of balls which rolled from the well directed guns of San Pablo in front, while far to the left, the gallant volunteers of Carolina and New York, were rapidly filling their untimely though glorious graves." And speaking of the final victory of that bloody battle, the writer says: "Here were covered with glory and with blood the chivalry of Carolina, and the bold soldiers of New York. Here Peirce, fainting with pain, was taken from the field; here the brave Butler fell; and here a fifth time on the same extraordinary day, the banner of the Anglo-American waved over troops triumphantly victorious! The Spanish Aztecs retreated from the bloody scene of their defeat, leaving hundreds of their bravest prisoners, and hundreds more to mingle their dust with the undistinguished dead to be remembered no more."

Of the 190 of whom we can learn nothing, we suppose most have died, and many have doubtless gone away, it may be to California.

We have discovered 18 widows, who are all in a destitute con-

dition, and about 20 children likewise situated. The case of Lieutenant Boyle, of company C, is peculiarly touching. Soon after he left for the seat of war, his afflicted wife, broken hearted died, leaving five children. At the close of the war Lieut. Boyle returned, bereaved of his wife and broken down in constitution. In a short time he too died, leaving four children. Two of them are now in the orphan asylum, and two are in New York.

Many and distressing have been the instances of suffering which have come under our knowledge, among those who have reached their native land. Two have died, as we learn from correct authority, from actual starvation. Numbers have died in the hospital and the alms house, and until quite recently, the misery of the relics of the 1st regiment of New York volunteers has been comparatively unnoticed. We are glad to know, however, that lately a temporary fund, affording partial relief, has been established.

And now that the situation of the survivors of that brave band has become universally known, every eye is turned upon this Legislature, and every voice is raised in behalf of the sufferers. It now remains to be seen whether the voice of the people, the implorings of the widow, the cries of orphans, and the strong appeal of the dying soldier shall be heard, and a suitable response given.

With full confidence in the ability of the State, and a reliance upon the generosity and magnanimity of her representatives, we submit for their consideration the following bill, and recommended its passage.

Joseph A. Yard,

LIST

Of Commissioned Officers of the First Regiment of U. S. Volunteers
of New York.

Showing the actions in which each one was engaged from the siege of Vera Cruz until the conquest of the city of Mexico, carefully compiled and corrected from documentary evidence in the possession of the officers of the regiment, never before correctly published, giving also the subsequent promotions of each.

Colonel Ward B. Burnett, was engaged in the siege of Vera Cruz, affair at the tower near Neuva Rancho, and the battles of Cerro Gordo, Contreras and Churubusco, where he was severely wounded, and during the subsequent actions was disabled.

Lieut. Col. Charles Baxter was engaged in the siege of Vera Cruz, and the battles of Cerro Gordo, Contreras and Churubusco, and the storming of the castle of Chapultepec, where he was mortally wounded.

Major James C. Burnham was engaged in the siege of Vera Cruz, the battle of Cerro Gordo, and during the battles of Contreras and Churubusco was stationed in San Augustin, in command of portion of regiment; commanded the regiment after the fall of Lieut. Col. Baxter, at the storming of the castle of Chapultepec, the Garita de Balen, and the entering of the city of Mexico. Was promoted to be Lieut. Col., vice Baxter, deceased.

1st. Lieutenant and Adjutant Robert A. Carter, was engaged in the siege of Vera Cruz, and the battles of Cerro Gordo, Contreras and Churubusco, and during the subsequent action was sick in hospital. Was adjutant from June 1st, 1847, until he was promoted to be

Captain.

Capt. Charles H. Shaw was engaged in the siege of Vera Cruz, and at the battles of Cerro Gordo and Contreras. Resigned August 30, 1847.

Capt. Gustave de Bongars was engaged in the siege of Vera Cruz, and the affair at tower near Neuva Rancho. During the battle of Cerro Gordo he was sick at Plan del Rio. Resigned May 2, 1847

Capt. James Barclay was engaged in the siege of Vera Cruz, and the battle of Cerro Gordo. During the battles of Contreras and Churubusco, was stationed in San Augustin with his company. Was engaged in the storming of the castle of Chapultepec and the Garita de Belen, and the entering of city of Mexico. Died in Mexico, January, 1848.

Capt. Jerry P. Taylor was engaged in the siege of Vera Cruz, the affair at the tower near Neuva Rancho, the battles of Cerro Gordo and Contreras, where he was stationed with his company during the battle of Churubusco as a guard over prisoners of war, the storming of the castle of Chapultepec, the Garita de Belen, and entering the city of Mexico.

Capt. Daniel E. Hungerford was engaged in the siege of Vera Cruz, the affair at the tower near Neuva Rancho, the battles of Cerro Gordo, Contreras and Churubusco, the storming of the castle of Chapultepec, the Garita de Belen, and entering the city of Mexico.

Capt. Charles H. Pearson was engaged in the siege of Vera Cruz, the battle of Cerro Gordo, was slightly wounded, at the battles of

Contreras and Churubusco, and the storming of the castle of Chapultepec, where he was mortally wounded.

Capt. Samuel S. Gallagher was engaged in the siege of Vera Cruz, the battles of Cerro Gordo, Contreras and Churubusco, the storming of the castle of Chapultepec, the Garita San Cosme, and the entering of the city of Mexico.

Capt. Abram Van Olinda was engaged in the siege of Vera Cruz, the battles of Cerro Gordo, Contreras and Churubusco, and the storming of the castle of Chapultepec, where he was killed.

Capt. Morton Fairchild was engaged in the siege of Vera Cruz, the battles of Cerro Gordo, slightly wounded, Contreras and Churubusco, slightly wounded, the storming of the castle of Chapultepec, the Garita de Belen, slightly wounded, and the entering of the city of Mexico.

Capt. Garrett Dyckman was engaged in the siege of Vera Cruz, the affair at the tower near Neuva Rancho, the battles of Cerro Gordo, Contreras and Churubusco, where he was severely wounded. Was promoted to be major, vice Burnham, promoted on the 18th of September, 1847.

1st Lieutenant Augustus Jacobus was engaged in the siege of Vera Cruz during the battle of Cerro Gordo was sick at Plan del Rio. Died at Jalapa May 2nd, 1847.

1st Lieutenant Gustave Reichardt was engaged at the siege of Vera Cruz, during the battle of Cerro Gordo, was sick at Plan del Rio; was left in command of sick and disabled of regiment at siege of Puebla. Resigned November, 1847.

1st Lieutenant Charles H. Sherwood was engaged at the siege of Vera Cruz, during the battle of Cerro Gordo was sick at Plan del Rio, during the battles of Contreras and Churubusco was stationed with his company at San Augustin, was engaged at the storming of the castle of Chapultepec. Resigned on the 31st of December, 1847.

Mexico. Was promoted to the 1st Lieutenancy.

2d Lieutenant Thomas G. Sweeney was engaged in the siege of Vera Cruz, and the battles of Cerro Gordo, Contreras, and Churubusco, where he lost his right arm. Was transferred to the 2d Infantry, regular army.

2d Lieutenant Marion N. Croft was engaged in the siege of Vera Cruz, and at the battle of Cerro Gordo. Sent to New York on recruiting service. Was promoted to be 1st Lieutenant.

2d Lieutenant James G. Hillis, was engaged in the siege of Vera Cruz, the affair at the tower near Neuva Ranche, and at the battle of Cerro Gordo. Left at Jalapa, 1847, sick, on staff of Col. Wynkoop, at the battle of Tehuamtlá.

2d Lieutenant Francis G. Boyle was engaged in the siege of Vera Cruz, at the battle of Cerro Gordo, and during the battles of Contreras and Churubusco he was stationed at San Augustin, with his company, was at the storming of the castle of Chapultepec, the Garita de Belen, and the city of Mexico.

2d Lieutenant David Scannel was engaged in the siege of Vera Cruz, the battles of Cerro Gordo, Contreras and Churubusco, the storming of the castle of Chapultepec, the Garita de Belen, and the city of Mexico. Was promoted to be 1st Lieutenant, vice Hall, promoted.

2d Lieutenant Francis J. Pinto was engaged in the siege of Vera Cruz, the affair at the tower near Neuva Ranche, the battles of Cerro Gordo and Contreras, (where he was stationed with his company as a guard over prisoners of war during the battle of Churubusco) in the storming of the castle of Chapultepec, the Garita de Belen, and the city of Mexico. Was promoted to be 1st Lieutenant, vice Taylor, promoted.

2d Lieutenant Robert M. Hloyd was engaged in the siege of Vera Cruz, and the battle of Cerro Gordo; was in New York on service from

June/ 1847. Was promoted to be 1st Lieutenant.

2nd Lieutenant James W. Henry was engaged in the siege of Vera Cruz, the battles of Cerro Gordo, Contreras and Churubusco, ~~and~~ the storming of the castle of Chapultepec, the Garita de Belen, and city of Mexico. Was promoted to be 1st Lieutenant.

2nd Lieutenant Edgar Chandler was engaged in the siege of Vera Cruz, and the battles of Cerro Gordo, Contreras and Churubusco, where he was mortally wounded.

2nd Lieutenant Mayne Reid was engaged in the siege of Vera Cruz, the battles of Cerro Gordo, Contreras and Churubusco, and the storming of the castle of Chapultepec, where he was severely wounded. Resigned.

2nd Lieutenant Charles B. Brower was engaged in the siege of Vera Cruz, the battles of Cerro Gordo, Contreras and Churubusco, the storming of the castle of Chapultepec, the Garita de Belen, and the entering of the city of Mexico. Was transferred to 3d infantry, regular army.

2nd Lieutenant William H. Browne was engaged in the siege of Vera Cruz, the affair at the tower near Neuva Ranche, and the battle of Cerro Gordo, was temporarily detached from the regiment in the basin of Mexico, was engaged in the battle of Molina del Rey, the storming of the castle of Chapultepec, the Garita de San Conne, where he was slightly wounded, and the entering of the city Mexico. Resigned, December 31st, 1847.

2nd Lieutenant Henry Gaines was engaged in the siege of Vera Cruz, and the affair at the tower near Neuva Ranche; joined regiment in Puebla in May, 1847, and was sent to New York on recruiting service.

2nd Lieutenant Addison Farnsworth was engaged in the siege of Vera Cruz, the battle of Cerro Gordo, during the battles of Contreras and Churubusco he was stationed at San Augustin with a portion of the regiment, was at the storming of the castle of Chapultepec, the Garita de Belen, and the entering of the city of Mexico. Was promoted to be Captain of Company H, vice Van Olinda, killed in action.

2nd Lieutenant Jacob Griffin was engaged in the siege of Vera Cruz, the battles of Cerro Gordo, Contreras and Churubusco, where he was wounded, the storming of the castle of Chapultepec, the Garita de Belen, and the entering of the city of Mexico. Promoted to be 1st Lieut.

2nd Lieut. James W. Greene was engaged in the siege of Vera Cruz, during the battle of Cerro Gordo was sick at Plan del Rio, was at the battles of Contreras and Churubusco, at the storming of the

castle of Chapultepec, the Garita de Belen, and the entering of the city of Mexico. Resigned on February 29, 1848.

2nd Lieut. James D. Potter was engaged in the siege of Vera Cruz, and the battles of Cerro Gordo, Contreras and Churubusco, where he was severely wounded, and during the subsequent actions he was disabled. Was transferred to 3d dragoons March 18, 1848.

2nd Lieut. James B. McCabe was engaged in the siege of Vera Cruz, the affair at the tower near Neuva Ranche, the battle of Cerro Gordo, where he was slightly wounded, and the battles of Contreras and Churubusco, where he was also slightly wounded, the storming of the castle of Chapultepec, the Garita de Belen, and the entering of the city of Mexico. Was promoted to be 1st Lieut.

2nd Lieut. John Rafferty was engaged in the siege of Vera Cruz the affair at the tower near Neuva Ranche, during the battle of Cerro Gordo was sick at Plan del Rio, was engaged in battles of Contreras and Churubusco, the storming of the castle of Chapultepec, the Garita de San Cosme, and the entering of the city of Mexico. Was promoted to be 1st Lieut.

Acting 2nd Lieut. Francis Durning, was color sergeant at the siege of Vera Cruz and the battle of Cerro Gordo, was promoted to acting lieutenancy in Puebla, 1847, was in the battles of Contreras and Churubusco, the storming of the castle of Chapultepec, the Garita de Belen, and the entering of the city of Mexico. Resigned December 31, 1847.

Acting 2nd Lieut. Charles S. Cooper, was a sergeant at the siege of Vera Cruz, and the battle of Cerro Gordo, was promoted to acting lieutenancy in Puebla, 1847, and was in the battles of Contreras

First Regt. Lead & Corp 1087 22

* At the outbreak of the Mexican war an attempt was made to organize six regiments in the State of New York, and while these were in the course of completion the War Department issued authority to Colonel Jonathan D. Stevenson to organize a regiment in the State of New York for service in California, and naturally, this latter regiment took the designation of "Seventh Regiment New York Volunteers," under which title it was mustered into the service, and took its departure for its field of duty. The effort to organize the six regiments, above referred to, was, subsequent to the sailing of the regiment under Col. Stevenson for California, abandoned, owing to the fact that the War Department declined to accept only one other regiment from the State of New York for duty in Mexico. Out of these six partly organized regiments, owing to a compromise made between several of the would-be colonels, was formed the regiment which served in Mexico under the command of Colonel Ward B. Burnett, which was the second and last New York regiment organized and mustered into the service of the United States during the Mexican war. Colonel Stevenson's regiment having been mustered into the service as the Seventh, and having sailed for California, the State authorities designated the regiment under Colonel Burnett the First.

The War Department subsequently corrected this erroneous designation of New York regiments, by an order directing Col. Stevenson to thereafter designate and muster his regiment as the "First Regiment of New York Volunteers," which order, upon its receipt by Col. Stevenson at Los Angeles, Cal., early in 1848, through Col. R. B. Mason, 1st U. S. Dragoons, commanding in California was immediately complied with. An order was also issued by the War Department and forwarded to Col. Burnett, through the headquarters of Gen. Winfield

Scott, commanding the U. S. Army in Mexico, directing Colonel B. to thereafter designate and muster his regiment as the "Second Regiment of New York Volunteers." Col. Burnett, in an interview with the writer in the Fall of 1873, gave the following as his reason for declining to obey the order:

Col. B. said: "An order was received from Gen. Winfield Scott, commanding the Armies of the United States in Mexico, directing me to discontinue mustering my regiment as the First, and returning the rolls for correction. I maintained that by so doing I would invalidate my commission, received from the Governor of the State of New York, by which I was designated Colonel of the First Regiment of New York Volunteers, under which designation it was mustered into the service of the United States, and that only under the authority of the State of New York could the designation of my regiment be changed."

Col. B. was, however, required thereafter to muster his regiment upon the muster rolls as the Second. Col. Stevenson, on the contrary, who held his commission under the same authority, never questioned the right of the Government to change the designation of his regiment from that of the Seventh to the First.

Col. B. still holds to the disputed title, and on all public occasions or parades in the City of New York, the survivors of his regiment float at their head a flag upon which is inscribed: "First Regiment of New York Volunteers, Mexican war - Col. Ward B. Burnett."

Not a member of the regiment under the command of Colonel Jonathan D. Stevenson, from the State of New York, in the Mexican war, would deprive the members of Colonel Ward B. Burnett's regiment

of one iota of the glory they so nobly achieved upon many well fought battle fields in the valley of Mexico. To the contrary, the members of Col. Stevenson's regiment are proud of the record gained in Mexico by their brother New York regiment; but the confusion that continually arises through the same designation to both regiments ought not to exist. The members of Col. Stevenson's regiment have never received nor asked for any special favor from the National, or any State Government, while the present is the second instance in which the State of New York has granted to the members of the regiment under Col. Burnett a gratuity; and yet the survivors of Col. Stevenson's regiment are none the less soldiers of the Empire State who went forth under her banner for service in the Mexican war.

The following letter, received from the War Department, is evidence that Col. Stevenson's regiment is recognized in that office as the First:

WAR DEPARTMENT, ADJUTANT GENERAL'S OFFICE,
WASHINGTON, NOVEMBER 18, 1881.

Francis D. Clark, Esq.,

38 Cortland street, New York City.

Sir-In reply to your several letters, addressed to the Secretary of War, the General of the Army, and to General Lippitt, of the Department of Justice, I respectfully transmit herewith skeleton copies of the muster rolls of the First Regiment of New York Volunteers, Mexican War.

Very respectfully, your obedient servant,

H. C. CORBIN,

Asst. Adjutant General.

End of post note

*From Clark's History of the First
10th New York Volunteers*