

WILLIAM A. DEARMON.

JULY 10, 1890.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. STONE, of Kentucky, from the Committee on War Claims, submitted the following

REPORT:

[To accompany H. R. 11203.]

The Committee on War Claims, to whom was referred the bill (H. R. 11203) for the relief of William A. Dearmon, report as follows:

The history of this case is found stated in the letter from the Second Auditor of the Treasury Department, under date of December 11, 1888, hereto annexed, and made a part of this report:

TREASURY DEPARTMENT, SECOND AUDITOR'S OFFICE,  
*Washington, D. C., December 11, 1888.*

SIR: In response to your communication of the 10th inst., concerning the claim in case of William A. Dearmon, late of Company G, Second West Virginia Cavalry Volunteers, I have the honor to inform you that after an investigation of the facts in the case of this claimant, the case was passed to settlement for the sum of \$394.70, including an item of \$228.00 which was paid August 22, 1866, by Paymaster Vedder, U. S. A., by his check No. 1274 upon the United States Assistant Treasurer, which check was delivered to M. McEwen, upon a power of attorney purporting to have been executed by William Dearmon, *et al.*, April 21, 1866, and the case submitted to the honorable Second Comptroller of the Treasury for his action.

This office, in its submission of the case to the Comptroller for allowance, took the ground that the power of attorney upon which the \$228 was paid was a forgery, from the fact of the claimant's denial, as well as that of Quincy Christian and John Sharer, who joined the claimant in said power of attorney, each denying having made such paper, and disclaiming any acquaintance with the other; and the fact that the claimant's name appears in writing, while the said claimant appears from the evidence to have been unable to write, and no papers or vouchers are on file which show otherwise, and the postmaster at West Lima, Wis., under date of October 6, 1877, informs this office that said Dearmon can not write; and the fact that the claimant swears that he was not in Lawrence County, Ohio, at the date when said power of attorney purports to have been executed, but was in Walnut Township, Gallia County, Ohio, the home of his parents; and the fact that the notary public, J. Combs, in his statement to this office declares he has no remembrance of the occurrence, which is possibly true, considering the lapse of time; this office, however, concluding that the statement of the notary, who had no interest in the matter, was entitled to no more credit than that of the claimant who, from the personal nature of the transaction, would ordinarily remember more distinctly, allowing them each credit for honesty, than would a person entirely disinterested.

With this evidence the case, as hereinbefore stated, was submitted to the Hon. Second Comptroller for his decision, and the case was returned with the allowance confirmed, with the exception of the \$228 item, which was disallowed, accompanied with a statement showing the reason for disallowance, the principal points of which are as follows: 1st. The burden of proof is with the claimant, Dearmon. 2nd. The claimant's statement that he was at home at the time of the execution of the power of attorney was not corroborated. 3d. As to the claimant's being unable to write, this may have been done by some one for him and the signature acknowledged by him as his own; and, moreover, it is not certain that the claimant has always been unable to write, and in conclusion the Comptroller thinks that the claimant, in view

of the certificate and statement of the notary, has not sustained the burden of the proof, and consequently the item should be disallowed.

Please find inclosed a copy of the power of attorney in question as requested in your letter above mentioned, with tracings of the signatures of persons signing the same.

Respectfully, yours,

WM. A. DAY,  
*Auditor.*

Hon. O. B. THOMAS, M. C.,  
*House of Representatives, Washington, D. C.*

Your committee is of opinion that the claimant should be reimbursed, and report back the bill and recommend its passage with the following amendment:

Strike out "William A. Deannon" wherever it appears in the bill, and insert in lieu thereof "William A. Dearmon."

