54TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 2621.

JONATHAN SCOTT.

JANUARY 26, 1897.—Ordered to be printed.

Mr. KIRKPATRICK, from the Committee on Invalid Pensions, submitted the following

REPORT.

[To accompany H. R. 4526.]

The Committee on Invalid Pensions, to whom was referred House bill 4526, together with the message of the President of the United States dated May 30, 1896, vetoing the same, have had said bill and message under consideration, and report the same back to the House with the recommendation that the bill do pass, the veto of the President of the United States to the contrary notwithstanding.

The President seems to rest his veto of this bill on the legal presumption that the Pension Bureau fairly and justly determined the case when the pensioner was dropped from the roll. If presumptions are to be indulged in, we suggest that the presumption ought to be that the surgeon who examined the soldier at the time of each of his enlistments also performed his duty, and did not accept a man in the service whose defective eyesight rendered him unfit to perform the duties of a soldier.

But your committee does not base its recommendation on presumptions; it has carefully examined the testimony on file in the Pension Office and from that testimony reaches the conclusion that great injustice has been done this soldier in dropping him from the roll and branding him as having fraudulently obtained his pension.

Jonathan Scott enlisted on the 8th day of June, 1861, at the very beginning of the war, in a company of Home Guards in the State of Missouri, and was honorably discharged from said service on the 5th day of October of the same year. On the next day he enlisted in Company M, Fifth Iowa Cavalry, to serve for three years or during the war, and was at once accepted and mustered into said company and regiment and served continuously until December 31, 1863, when he was honorably discharged by reason of reenlistment and was immediately mustered into the same company and regiment to serve three additional years. On August 11, 1865, he was mustered out by general order, having served four years two months and three days. During all these years he was never excused from duty because of disease or defective eyesight.

Soon after the close of the war the claimant made application for pension, and on March 9, 1873, he was placed upon the roll at $6 per month from August 12, 1865. On January 1, 1878, his pension was increased to $8 per month; thence to $24. On March 3, 1883, was increased for disease of eyes to $50, and on July 1, 1885, for the same, and resulting in total blindness his pension was increased to $72 per

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month. He was dropped from the pension roll August 13, 1895, for the sole reason that the disability for which the pension was granted existed prior to his enlistment. The testimony on file in the Pension Office clearly shows the contrary. The claimant is now past 72 years of age, totally blind, afflicted with a complication of diseases, and is as helpless as a child. He is without any means of support, with an aged wife depending upon him, and must depend upon public charity unless relief speedily comes. Now in his distressed and pitiable condition, due to his long and faithful service, he turns to that Government for which he sacrificed so much, and appeals to Congress to protect him and his wife from the poorhouse. There can be but one patriotic answer to this appeal.

The President further suggests that whatever may be the merits of the case, he is informed by the Pension Bureau that the bill, if it becomes a law in its present form, will be inoperative, for the reason that the beneficiary therein is described as having served in the Sixth, when in truth and in fact he actually served in the Fifth Regiment of Iowa Cavalry Volunteers. Your committee is of the opinion that this suggestion is untenable. It finds, however, on investigation that an error was made in drafting the bill in the particular suggested. The beneficiary actually served in the Fifth Iowa Cavalry instead of the Sixth, as stated in the bill. This error, however, can not invalidate the bill or render it inoperative. In fact, the bill would be as valid with the service entirely omitted. Its purpose serves only as a means of identification, and has no further significance. Should this bill become a law there can be no doubt as to the identity of the beneficiary; and if the Pension Commissioner should experience any difficulty in determining the person intended, a reference to the latter part of the President's message will remove all doubts, as he seems to have had no difficulty in ascertaining from the bill and its record the beneficiary intended, as well as the company and regiment in which he actually served.