57TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { REPORT No. 59.

SARAH J. RHOADS.

JANUARY 18, 1902.—Committed to Committee of the Whole House and ordered to to be printed.

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

REPORT.

[To accompany H. R. 7297.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7297) granting a pension to Sarah J. Rhodes, submit the following report:

This bill proposes to pension the beneficiaries named therein as the widow of Stephen Rhodes at $17 per month.

The officer named in the bill is shown by the records of the War Department to have served under the name of Stephen Rhoads as a private, first sergeant, second lieutenant, and first lieutenant in Company G, Third Minnesota Infantry, from October 19, 1861, to November 25, 1863, when he was dismissed by sentence of a general court-martial on the charge of "conduct unbecoming an officer and a gentleman," having been found guilty of the charge on the following specifications: That he "did make in writing * * * false representation; upon such false representation did procure * * * one gallon of whisky. This at Little Rock, Ark., on the 16th day of October, 1863."

He was pensioned under the general law on account of rheumatism, contracted by him while holding the rank of first sergeant, at $6 per month from May 17, 1889, the date of the filing of his claim to pension.

His claim to pension under the act of June 27, 1890, was rejected December 12, 1892, upon the ground that he had not been honorably discharged from his military service.

The beneficiary named in the bill, now 51 years of age, never filed a claim to pension under the general law, but did file one under the act of June 27, 1890, which was rejected November 15, 1895, upon the same ground as the officer's claim under that law, namely, that he had not been honorably discharged as required by said act.

The officer when examined in 1891 was found to be a sufferer from rheumatism, disease of heart, disease of eyes, and paralysis agitans.

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He died May 5, 1893, of pneumonia, which, being an acute disease, and in this case not dependent upon any previous disease of the lungs, would not give title to pension to his widow under general law.

The beneficiary was married to the officer on August 12, 1865, and she is shown to be wholly dependent upon her daily labor.

Proof filed with your committee shows that the beneficiary is a woman of excellent reputation and by reason of physical disabilities unable to labor to even support herself.

The question in this case is as to whether in view of this officer's service in the Army for over three years, during which time he rose from the rank of private to that of first lieutenant, Congress should hold that title to pension under the act of June 27, 1890, should obtain for the widow in view of his dismissal from the service.

Your committee believes that the beneficiary named in the bill should not be deprived of pension under said act (it being admitted that title to pension under the general law could not obtain for the reason that the officers' death was not due to any of the disabilities for which he had been pensioned), as the punishment of the officer was perhaps more severe than might be expected under the circumstances. Hence the bill is reported back with the recommendation that it pass after the same shall have been amended as follows:

In line 6, before the word "widow," strike out the word "Rhodes" and insert in lieu thereof the word "Rhoads."

In same line, after the word "Stephen," strike out the word "Rhodes" and insert in lieu thereof the word "Rhoads."

In line 8 strike out the word "seventeen" and insert in lieu thereof the word "eight."

Amend the title so as to read: "A bill granting a pension to Sarah J. Rhoads."

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