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65th CONGRESS, }
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SENATE.

REPORT
No. 265.

GRANTING PENSIONS AND INCREASE OF PENSIONS TO CERTAIN SOLDIERS AND SAILORS OF THE REGULAR ARMY AND NAVY AND OF WARS OTHER THAN THE CIVIL WAR, ETC.

FEBRUARY 11, 1918.—Ordered to be printed.

Mr. JOHNSON of South Dakota, from the Committee on Pensions, submitted the following

REPORT.

[To accompany S. 3798.]

This bill is a substitute for the following Senate bills referred to said committee:

S. 73. Abel H. Hall.	S. 2172. Allen Russell.
139. Frankie Esselstyn.	2193. Oscar M. Dreibelbiss.
197. Samuel Breitigan.	2237. Edmund G. Thompson.
240. Edward Sweeney.	2288. Joseph W. Gay.
331. Arthur Rose.	2391. Emmett W. Fitzsimmons.
477. Lucie Kellogg.	2424. Charles E. Matthews.
588. William P. Robinson.	2472. Martha R. Sutton.
675. William D. Harrington.	2492. Hildur M. Phillips.
687. Fannie H. Maffitt.	2572. Joseph M. Love.
765. Minnie H. Wolf.	2586. Leander Thomas.
882. Charles E. Sanders.	2592. Isaac F. Allen.
912. John M. Dikes.	2744. James M. Fitch.
981. James W. McKay.	2763. John Ferris.
996. Adam S. Bridgefarmer.	2955. Esther Shields.
1174. Charles H. Ferriss.	2981. Elizabeth K. Cottman.
1177. Van Ogle.	2988. Francis J. Kearney.
1242. Reuben Waller.	3097. Simeon Ely.
1443. Thomas M. Woods.	3342. John A. D. Tharpe.
1526. George M. Spencer.	3343. Wesley H. Dick.
1569. Katharine E. Bocoskey.	3424. Julia Burger.
1989. Thomas S. Millikin.	3500. Leander Johnston.
2040. William C. Campbell.	3591. Laura C. Slack.
2138. William J. La Rock.	

The following are the facts ascertained by the committee concerning the case of each beneficiary in said bills and the conclusion of the committee as to the proper amount of pension or increase of pension which should be granted:

S. 73. Abel H. Hall served as a private in Company F, First Regiment Montana Volunteer Infantry, in the War with Spain; he

was enlisted April 28, 1898, and honorably discharged October 17, 1899.

He made claim for pension May 20, 1913 (No. 1409854), alleging in his declaration that at Calumpit, P. I., about April 23, 1899, while leaning against a tree a rifle ball struck said tree near his head causing deafness of right ear; that during an engagement at San Fernando, P. I., about June 16, 1899, at night, on the firing line, a rifle ball struck the ground in front of where he was lying and threw a mass of dirt into both eyes, permanently injuring the sight of right eye; that the injuries were not considered of serious nature at the time and he received no treatment in hospital or by company surgeon; that the injuries caused partial deafness of right ear and partial blindness of right eye, which continue to the present day. In letter filed January 6, 1914, he said that it would be impossible for him to prove anything about his sight and hearing by anyone who would be either eligible or willing.

The claim was rejected in March, 1914, on the ground of no record or other satisfactory evidence to prove service origin and continuance from discharge of impaired hearing of right ear and impaired sight of right eye, and on the further ground that a ratable degree of disability from such complaints had not been shown from date of filing claim.

The medical records on file in the War Department show that soldier was treated while in service, three days in October, 1898, for malarial fever and from September 14 to 21, 1899, for acute diarrhea, in line of duty. On examination preliminary to discharge soldier declared that he was suffering from dysentery contracted May 10, 1899, at San Fernando, P. I., but the Army surgeon certified that the only evidence of dysentery was soldier's statement.

W. L. Hill, captain, certified that he was wounded and not in command of company after February 10, 1899, but that while he was in hospital in Manila he was visited from time to time by members of the company who reported different matters of interest and was told of an injury sustained by claimant; that witness was quite ill at the time and his recollection of details is not very clear; that claimant was a good soldier and witness always found him honest and straightforward.

Adolph M. Clay, comrade, testified October 6, 1913, that claimant had his right ear injured by the shock of a shot in a tree April 26, 1899; that he seemed to be stunned and could not hear and his right ear was bleeding from splinters of wood and bark; that claimant's left arm and leg were quivering and jerking and in a little while he vomited and went to sleep; that affiant met soldier later the same day and he was still hard of hearing, limping on the left side, and awkward with his left hand.

Dr. R. C. Purdy testified December 21, 1913, that claimant had then been under his care for more than a year and that he was totally disabled from performing manual labor by paralysis of left hand and left leg, known as hemiplegia, and further that said condition was of long standing and was caused by an external injury to right side of the head.

Soldier, now 53 years of age, was medically examined August 20, 1913, by the Kalispell, Mont., board of surgeons, who reported that

claimant informed them he was wounded at battle of Calumpit, shot hit tree he was standing by and stunned him; that eyes were affected by dirt thrown by bullets at San Fernando; that in 1902 he had paralytic stroke and several since. The examining surgeons rated claimant \$14 on results of left hemiplegia and \$4 on general debility and further reported in part as follows:

Vision: Snellen's type, left eye 20-30, right eye 20-70: Eyelids are in healthy condition, also other structures of the eye that are visible to the naked eye. Hearing: With left ear applicant can hear ordinary conversation at six feet, with right ear at two to three feet. Structures of external ear apparently normal and no visible disease of the drum of either ear. No perforation of drums.

Accompanying the bill is certificate of Fred Nelson, United States commissioner, dated November 15, 1916, who says that he has been acquainted with the soldier for the past 13 years; that during all of that time he has been afflicted with what appeared to be partial paralysis of the left limbs and his sight and hearing have been affected; that in 1912 he was totally incapacitated by a stroke of paralysis and was sent to hospital for treatment; that soldier is not able to perform manual labor sufficient for his support.

Also, affidavit of Charles W. Francis, county commissioner, dated November 15, 1916, who says that he has known soldier for the past 13 years; that during all of this time soldier has suffered from an affliction in his left limbs, which became total paralysis in 1912.

And other evidence to the same effect; also that soldier is unable to do manual labor on account of paralysis of left side, and that he is poor and without means for his support.

Your committee report the bill favorably with recommendation for pension at \$17 per month.

S.139. Frankie Esselstyn is the widow of Elton H. Esselstyn, late first sergeant in Company L, Thirty-fourth Michigan Volunteer Infantry, War with Spain, who served from May 21, 1898, to November 24, 1898, and who died of tuberculosis December 7, 1908. He had previously served in the Regular Army in Company H, Tenth United States Infantry, from September 14, 1881, to February 13, 1884, when honorably discharged.

The widow's claim for pension, No. 909838, filed December 14, 1908, was rejected in January, 1909, on the ground that soldier's death cause is not shown to be chargeable to this military service.

Soldier himself made claim for pension, which was allowed after his death, at \$6 per month, for malarial poisoning, and paid to his widow, the claimant under this bill. It is in evidence that he was sound at enlistment; that he contracted malarial poisoning during the campaign at Santiago, Cuba, in the summer of 1898; and that he was in poor health from malaria and cough after his discharge and return from the service.

Soldier died at the Michigan Soldiers' Home, Kent County, Mich. The medical evidence filed in the case is as follows:

Dr. Edward W. Vis, testifying March 11, 1910, said:

I treated Elton H. Esselstyn during his last illness, from September 28, 1908, until December 7, 1908. Mr. Esselstyn entered Michigan Soldiers' Home hospital suffering from tubercular laryngitis. He failed very rapidly after coming here, which would indicate the trouble of some standing. He had a malarial cachexia, and every few days would have a more severe chill than usual.

Dr. Howard A. Grube, testifying March 12, 1910, said:

In my position as surgeon of the Michigan Soldiers' Home I had an opportunity of observing Elton H. Esselstyn daily. He entered the home September 28, 1908, and died in the hospital of the home December 7, 1908, of tuberculosis of the larynx. During his service in the Spanish-American War he contracted malarial poisoning while in Cuba. He never recovered from this and showed marked symptoms of chronic malaria characterized by periodical chills and fever, with a marked cachexia. There is no doubt in my mind but that the malarial poisoning so reduced his vitality and made him very susceptible to tuberculosis which he would have been able to resist otherwise.

Dr. Grube, testifying before a special examiner of the Pension Bureau September 4, 1912, said:

As far as the tuberculosis was concerned, it was our opinion that the continuous attacks of chills and fever so lowered his vitality that he contracted tuberculosis.

Claimant married the soldier November 7, 1901, and is left with two minor children, under the age of 16 years, to care for and support. She is 43 years of age, and evidence filed with the bill shows that she is very poor and without property or other means and is entirely dependent upon her own efforts for the support of herself and children.

It seems but a reasonable conclusion from the evidence that the soldier's fatal malady was indirectly due to disease contracted in the service, and your committee report the bill favorably with recommendation for pension of \$25 per month, with the usual additional allowance of \$2 per month on account of the soldier's minor children under the age of 16 years.

S. 197. Samuel Breitigan enlisted as landsman in the United States Navy May 27, 1904, and served four years on the *Lancaster*, *Pennsylvania*, *Concord*, and other vessels, being honorably discharged May 26, 1908. A few months later, namely, September 10, 1908, he applied for reenlistment and was discharged September 18, 1908, for disability, namely, color blindness, which, it is stated, existed prior to enlistment.

Sailor's claim for pension, No. 56834, filed June 27, 1909, on account of disease of eyes and rheumatism, alleged as due to typhoid fever in May, 1906, has been rejected by the Pension Bureau on the ground of no ratable degree of disability from date of filing claim.

It is shown by the official records that sailor contracted typhoid fever in the service and was treated nearly two months in hospital during May and June, 1906.

Certificate of Kenneth Whiting, lieutenant, United States Navy, states:

Samuel Breitigan served under me on the U. S. S. *Concord* in 1906. He was in my division, and while having small-arms practice at Shanghai, China, in 1908, I noticed he had something the matter with one of his eyes, and he stated that same was due to the cause of typhoid fever.

Affidavit of Dr. M. L. Chadman, September 24, 1915, states:

The undersigned, a practicing physician in the city of Lancaster, Pa., for 25 years, hereby affirms that he has known the soldier, Samuel Breitigan, for 21 years; have treated him for various childhood diseases, but at the time of his enlistment he was perfectly sound and never had any trouble with his eyes and was not color-blind. On his return from the Philippines, in June, 1908, I treated him for muscular rheumatism, partial paralysis in lid of left

eye, imperfect vision, and severe photophobia and inflammation of lids. At the present time his vision is bad, has partial paralysis of left eyelid, and can not use his eyes to any extent in artificial light. He is also partially color-blind.

Dr. Chadman's affidavit of June 23, 1916, states:

Treated him at various times for childhood diseases. No serious disease. On his return from Philippines, in June, 1908, I treated him for chronic muscular rheumatism, paralysis of lid of left eye, inflammation of eyelids, and color-blindness. I have subsequently examined Samuel Breitigan and find that the rheumatism is of a permanent nature and disables him from performing hard manual labor. I am positive Mr. Breitigan had none of these ailments when he enlisted, and that all of them developed while in the service.

Affidavit of Dr. S. D. Piquet states:

I have known Mr. Samuel Breitigan for years; that prior to his entry into the Navy he was free from rheumatism, and that at the time of his discharge he was treated by me for rheumatism, and since then till the present day he has been a patient of mine, suffering from rheumatism, which, in my opinion, was contracted while in the Navy service. Said attacks of rheumatism have at times been so severe as to incapacitate him from labor, and have been a hindrance to him in earning his living, one attack invaliding him for three months.

Affidavit of Dr. Nathan Cohen states:

This is to certify that Mr. Samuel Breitigan is suffering with defective vision ever since he contracted typhoid fever. He is also suffering with rheumatism.

Affidavit of Dr. A. Stenger, of August 9, 1913, states:

This is to certify that Sam Breitigan called on me some time ago regarding his defective vision, and I advised him. There is no doubt that it is entirely due to the fever he contracted while in the United States service.

Affidavit of Dr. S. D. Piquet, of May 22, 1916, states:

This is to certify that I have this day examined Mr. Samuel Breitigan and found now existence of a ratable degree of disability from rheumatism, said disability of sufficient degree to confine him and seriously interfere with his livelihood, said rheumatism dating back to his service in the Navy of the United States. I also found serious eye trouble, also dating back to his Navy service; said disability threatening him with total inability to continue his livelihood.

Accompanying the bill is affidavit of Dr. Samuel D. Piquet, who says that he has been acquainted with sailor since his release from the Navy, and has treated him then and since, at frequent intervals, for rheumatism and eye trouble, which have been severe enough to keep him from work and thus interfering with his livelihood to a most marked degree; that he is still afflicted and has poor health and very defective eyes.

Sailor is 35 years of age and very poor. It is believed that he is disabled from causes originating in the service, and the bill is reported favorably, with recommendation for pension at \$12 per month.

S. 240. Edward Sweeney, of Scranton, Pa., was a private in Company E, Fifteenth United States Infantry. He enlisted in the Regular Army July 19, 1904, and served nearly four years, being honorably discharged June 30, 1908.

In his claim for pension, No. 1377337, filed September 14, 1908, he alleged varicose veins of left leg and disease of heart, as due to the service. The claim for varicose veins was rejected on the ground that same existed prior to enlistment, and disease of heart on the ground

of no record, and the evidence on file, the best obtainable, fails to establish origin in service and line of duty.

Soldier, with his command, was for a considerable time in the Philippine Islands. There is evidence of neighbors, associates, and fellow workmen to the effect that he was sound and in good bodily health at enlistment. It appears, however, from the records of the War Department that moderate varicose veins of both legs were noted at the time of enlistment. The medical records show that he was under treatment from May 24 to June 18, 1908, for varicose veins, outer surface, of left leg and acute intercostal neuralgia, left side, in line of duty.

Claimant's statement is that he first felt symptoms of heart trouble in May, 1908, and was treated then in hospital. He declares that one of the attending surgeons said the trouble was rheumatism of the heart and the other surgeon said it was neuralgia of the heart. One comrade testified that at this time soldier complained of his heart and went to hospital; that he complained of pains in chest when on march before he went to hospital; also that soldier had varicose veins of both legs in the Philippines not long before they left for the United States.

A physician testified to some heart trouble of soldier from about fall of 1908. Patrick A. McNulty said that he worked with soldier in 1908, right after the latter came out of the Army; that soldier lost considerable time and looked to be more or less run down in health and did not seem to be near the man he was before he enlisted. John V. McGuire said he worked with soldier about five months during latter half of 1908; that soldier lost considerable time from work and complained of being sick and not able to work. John J. Foley said that soldier visited him when he first came home and said he had varicose veins and showed affiant his legs, and also said he was troubled with his heart. Soldier's sister testified that when he came home from the Army he said his heart was bothering him and he looked thin and run down; also that he had varicose veins; that he has complained of his troubles more or less ever since.

On soldier's medical examination, June 12, 1912, he was rated \$17 for heart disease, \$6 for rheumatism, and \$6 for varicose veins. Accompanying the bill is medical evidence, as follows:

SCRANTON, PA., December 9, 1916.

To whom this may concern:

This is to certify that I have this day made a painstaking examination of Mr. Edward Sweeney, of No. 1723 Church Avenue, Scranton, Pa., and find the following facts as to his condition: Mr. Sweeney was a member of Company E, Fifteenth Regiment of United States Infantry, and saw service of two years in the Philippine Islands, and has suffered since 1907 from heart disease, gastritis, and varicose veins of both legs, more marked on the left leg, which measure in circumference from one-half an inch to $1\frac{1}{2}$ in size. For over a year he has suffered from neuritis of the left arm, and for the past nine months he has lost complete use of his left arm. There is atrophy of all the muscles of the left side and he dresses and undresses himself with difficulty. He is emaciated and is, in fact, a total physical wreck and not able to perform any manual labor.

Sincerely, yours,

HERMAN BESSEY, M. D.

STATE OF PENNSYLVANIA,

County of Lackawanna:

Sworn to and subscribed before me this 12th day of December, 1916.

[SEAL.]

T. D. JAMES, *Alderman.*

My term expires January 1, 1918.

Soldier is 41 years of age, and evidence filed with the bill shows that he has no property and is dependent upon friends for support, due to his inability to perform any manual labor. His case appears to be one of merit, and your committee report the bill favorably, with recommendation for pension at \$12 per month.

S. 331. Arthur Rose was a private in Company L, First Regiment Washington Volunteer Infantry, in the War with Spain. He enlisted April 25, 1898, and served from that date, principally in the Philippine Islands, until November 1, 1899, when he was honorably discharged.

His claim for pension, No. 1269114, was first filed May 24, 1901. It appears from the evidence that he is afflicted with pulmonary tuberculosis, which he alleged as due to sickness and hard service in the Philippine Islands.

The medical records on file in the War Department show soldier treated December 22, 1898, to January 11, 1899, for acute nephritic colic, diagnosis also shown as dysentery; also treated June 9 to August 16, 1899, for remittent malarial fever. On examination prior to discharge he declared that he was suffering from rheumatism and piles, contracted in service, the latter due to dysentery; board of Army surgeons reported no disability.

It seems to be well established that soldier was sound and in good physical condition at enlistment. Comrades testify to his being sick with diarrhea or dysentery in the service and that he was troubled with a bad cough. There is considerable testimony that he has not been in the same good health since discharge and has lost much time from work on account of sickness; that he has had cough and throat and lung trouble.

Three medical examinations, the first in September, 1901, then in April, 1908, and finally in January, 1909, show no disability from disease of lungs, but evidence of Dr. J. G. Matthews filed with the bill is that soldier is suffering from pulmonary tuberculosis of an advanced stage, as shown by clinical, physical, microscopical, and X-ray findings.

H. C. Blair testified that soldier was thin and weak at discharge and has never recovered his health. A. J. Laughren, deputy prosecuting attorney, testified that he noticed soldier's health was very poor on his return from service, and he has never had his former health since. Other testimony is to the same effect.

Soldier is 40 years of age and very poor. His claim has been rejected because, so it is stated, no disability is shown from cause of service origin, notwithstanding which your committee find sufficient evidence of disability to warrant them in reporting the bill favorably, with recommendation for pension at \$12 per month.

S. 477. Lucie Kellogg is the widow of William R. Kellogg, late private in Troop A, First Ohio Volunteer Cavalry, who served during the War with Spain from April 25, 1898, to October 22, 1898, and was honorably discharged.

The widow's claim, filed September 9, 1909, No. 926934, is that soldier's death occurred October 14, 1908, from disease of liver, and that his fatal disease resulted from and was induced by camp diarrhea or dysentery contracted in the military service.

It does not appear from the papers that soldier made claim for pension during his lifetime. The medical records on file in the War Department show that he was treated in service from June 14 to 23, 1898, for gluteal abscess; July 29 to August 5, 1898, for malaria, continued; and August 9 to 17, 1898, for diarrhea. On his examination preliminary to discharge he disclaimed any disability or impairment of health; the Army surgeon reported, however, "slight attack of catarrhal jaundice, not sufficient to incapacitate him from duty."

It is established beyond doubt that soldier was sound at enlistment. It is equally well established that he contracted diarrhea at Chickamauga, Ga., and later suffered from same complaint at Lakeland, Fla., during summer of 1898. The medical records show treatment for continued malaria and diarrhea in summer of 1898; Henry Mansfield, lieutenant, deposed that soldier was sick in camp from diarrhea or dysentery, as also did Pvt. A. E. Merkel and Sergt. Ralph J. Venning, the latter of whom also stated that soldier was unable to do duty most of the time.

It seems to be well shown that soldier suffered from diarrhea or dysentery during the first year following his discharge and there is some testimony to the effect that he suffered occasional attacks of bowel trouble in the succeeding years. William Blong, neighbor, deposed that when soldier came out of the Army he was not well and did not have as good a color as before he enlisted; that his trouble was bowel trouble, a kind of dysentery, and he was bothered with it by spells. Dr. J. T. Black deposed that he treated soldier for bowel trouble in 1903.

It is shown that soldier was confined to his bed by reason of illness from disease of liver in November, 1907, and later was in hospital at Seattle, Wash. He recovered and returned to his work, but was again taken down in a few months and so continued to his death, October 14, 1908. It is established beyond doubt that his death cause was disease (abscess) of liver. He was operated on in hospital several times for his complaint and it seems to be the unanimous opinion of the attending physician, on the history of case, that soldier's fatal disease resulted from bowel trouble contracted in the service.

Claimant married the soldier August 28, 1900, and is 42 years of age and much in need of the pension. The claim was legally approved for diarrhea, but was medically rejected in accordance with the opinion of the medical referee that the disease of liver was not a result of diarrhea. Claimant appealed but the rejection was affirmed by the Secretary of the Interior.

After a careful consideration of the evidence in this case the committee are of the opinion that, notwithstanding the objection of the department, the widow of the soldier is entitled to a pension on account of the death of her husband and so report the bill favorably with recommendation for pension at \$25 per month.

S. 588. William P. Robinson was a private in Company I, First West Virginia Volunteer Infantry, in the War with Spain. He was enlisted May 4, 1898, and honorably discharged February 4, 1899. Preliminary to muster out he disclaimed disability or impairment of health and none was reported by his captain or by the Army surgeon by whom he was examined.

Soldier contracted mumps at Chickamauga Park, Ga., and was treated in hospital therefor from May 20, to June 4, 1898. He claimed in application filed July 13, 1910 (No. 1391439), that as a result of mumps he has since suffered from deafness of right ear and affection of right testicle. The claim was rejected in the Pension Bureau on the ground of no record in the War Department of deafness of right ear and affection of right testicle and the claimant's inability to furnish satisfactory evidence showing origin of the same in the service or existence thereof at date of discharge, and on the further ground of no ratable degree of disability from disease of right testicle since date of filing.

Soldier was officially examined by a board of surgeons August 12, 1910, when he was rated \$4 on disease of right testicle and \$25 on total deafness of right ear and partial deafness of left ear.

Prior soundness is proved, and the hospital records show treatment May 20 to June 4, 1898, for mumps; also June 2 to 4, 1898, for acute dysentery, and October 3 to 5, 1898, for gastritis. A considerable number of comrades testify in support of the claim that soldier had a severe case of mumps and that after his return from hospital he suffered from some affection of testicle and was partially deaf. Second Lieut. William H. Webster, clerk of circuit court, Morgan County, W. Va., said he remembered full well that soldier was a member of his company and that he was confined to the hospital with mumps; that he also remembers that soldier was deaf in one of his ears after being discharged from hospital, but does not remember which ear it was; that he does not remember anything being wrong with his testicles, not being associated with the men very much except when on drill or out on parade. J. R. King, tent mate, said he remembered very well soldier's sickness at Chickamauga, and also remembered of his suffering with his head as well as his testicles. George M. Boyles, hospital steward, testified that soldier's case was one of the first cases of mumps they handled at the regimental hospital and remembers it as the first one that was complicated with orchitis, and he had to send to the Sixth Ohio canteen to get tobacco to make a poultice for him.

There is considerable testimony as to continuance, a number of witnesses stating that soldier suffered from or complained of the disabilities when he returned from the service and since. Dr. Robert Gerstill, testifying August 26, 1910, said he had known soldier for 12 or 14 years; treated him for throat and ear trouble after discharge from Army; tonsils much swollen and he appeared somewhat deaf in consequence.

It appears that some difference in opinion in regard to the case obtained in the Pension Bureau, some of the reviewers believing that it should have been referred for special examination, and doubtless this would have been done had not the medical referee changed the medical opinion from a ratable degree of disability from disease of right testicle to no ratable degree of disability from that cause.

Accompanying the bill is medical and other evidence to the effect that soldier is suffering from testicle trouble, evidently caused by mumps; that he is also very hard of hearing and is in no shape to earn a livelihood. He is over 40 years of age and very poor and without resources for the support of himself and family.

It is believed that the evidence sufficiently supports the claim and justifies your committee in favorable action on the bill, with recommendation for pension at \$12 per month.

S. 675. William D. Harrington served from July 19, 1898, to May 20, 1899, as a private in Companies L and E, Ninth Regiment Illinois Volunteer Infantry, in the War with Spain. He reenlisted May 22, 1899, in Company K, Fifteenth United States Infantry, and was discharged as corporal May 21, 1902.

He filed claim for pension July 23, 1913 (No. 1366429), alleging that at Mavotie and Santa Maria, P. I., in 1900, he was treated for piles and constipation and later at Sarsogon, P. I., he was in hospital for malarial fever and was also afflicted with rheumatism; that on Governors Island, N. Y., he was treated for mumps, which injured his eyes. In affidavit filed April 6, 1914, he alleged that in 1899, while on Governors Island, N. Y., he had mumps which affected his eyes, and contracted rheumatism while serving in Company K, Fifteenth United States Infantry, and that he also claims pension for disease of liver, constipation, piles, and malarial poisoning.

The claim was rejected August 4, 1914, so much thereof as was based upon rheumatism and disease of eyes, alleged as a result of mumps, on the ground of no record in the War Department of said disabilities, no medical or other satisfactory evidence showing origin thereof in the service or existence at date of claimant's discharge and continuance of the same thereafter; and so much thereof as was based on piles, constipation, and disease of liver was rejected on the ground that claimant had declared his inability to furnish medical or other satisfactory evidence showing existence of said disabilities in the service or at the date of discharge and their continuance since that date; and so much of the claim as was based on malarial poisoning, on the ground that claimant was unable to furnish medical or other satisfactory evidence showing existence thereof at date of discharge and continuance of the same thereafter.

A former claim filed August 30, 1907, for disease of liver, constipation, and piles, was rejected June 1, 1909, on the ground of claimant's declared inability to furnish medical or other satisfactory evidence showing existence of the same in the service or continuance thereafter each year since discharge.

The medical records on file in the War Department show that soldier was treated during first service, September 23 to 25, 1898, for nostalgia, and October 25 to 31, 1898, for remittent fever. The records show that he was treated during second enlistment as follows:

August 2 to 6, 1899, diarrhea, acute; March 18 to April 5, 1900, mumps, complication, orchitis, left side; October 11 to 13, 1900, acute diarrhea; November 11 to 13, 1900, and April 1 to 8, 1901, malarial fever; April 25 to May 7, 1901, malarial fever; December 8 to 20, 1901, ingrowing toenail, right foot.

John J. McKay, comrade, testified that while serving in Philippine Islands soldier was taken sick with malarial fever and placed in hospital and was not expected to live; that he was taken with constipation and piles and placed under the care of post surgeon and hospital steward and was sick in quarters for some time; that in 1899 soldier was in good health and at discharge his health was shattered.

Clifford B. Freese, comrade, testified that soldier was sound and able-bodied when he joined the company in 1899; that while on Gov-

ernors Island, N. Y., in 1900, he was ill with mumps and he heard soldier complain after this illness of weakened eyesight and after his discharge immediately commenced wearing glasses; that while in the Philippines soldier was taken with malarial fever and went to hospital; that soldier repeatedly complained afterwards of constipation, piles, and inactive liver and claimed that the effects of malarial fever were yet upon him; that he heard soldier repeatedly complain of rheumatism; that at discharge he was but the shadow of his former self.

George Austin and Thomas J. Austin testified that they were familiar with soldier's physical condition from November, 1907, to March, 1913, and knew him to be affected with very bad bleeding piles and heard him complain of constipation; that he was three-fourths disabled for manual labor.

Adam M. J. Todd testified that he has on several occasions heard soldier complain of being afflicted with constipation and piles and of hurting over the liver; that soldier is three-fourths incapacitated for labor.

Charles L. Holifield and John W. Black testified that they were familiar with soldier's physical condition from May, 1902, to June, 1912; that at frequent times he was afflicted with malarial poisoning and was more or less a constant complainer of rheumatism, constipation, piles, and disease of liver; that during all this time soldier has been a constant wearer of glasses, and said that his eyes had been affected from a very severe case of mumps; that he is three-fourths disabled for manual labor.

Soldier was in the Philippines and in Cuba as a civilian employee from his discharge in 1902 to 1907, on which account he has been unable to supply testimony covering that period.

Frank Qualls testified that soldier was physically sound when he entered the service; that upon his return in 1907 soldier, by reason of piles, was unable to keep at his work, and complained also of constipation; that he was three-fourths disabled.

Michael Fagan testified that soldier had a very severe case of mumps at Governors Island, N. Y.; that he has heard soldier complain of eye weakness since, and claimed that the mumps had affected his eyesight; that while serving in the Philippines soldier complained of suffering from rheumatism; that he was in hospital suffering from malarial fever, constipation, and piles.

William T. Holifield and Edmond L. Dupuy testified that they were familiar with soldier's condition from 1902 to 1912, and knew him to be affected with impaired eyesight, and heard him complain of constipation and piles and of periodic attacks of rheumatism; that he was from one-half to three-fourths disabled for manual labor.

Dr. Thomas H. Clark testified October 23, 1907, that on examining soldier he finds that he suffers from chronic malaria, and every few months has attacks of fever; that he is chronically constipated, followed by occasional attacks of diarrhea; that he also suffers from piles, and is one-half or three-fourths disabled to earn a living by manual labor.

Dr. Clark again testified May 1, 1911, that he had treated soldier on several different occasions—the last in December, 1910—for an aggravated case of piles, chronic in nature; that there was an association of obstinate constipation and possibly disease of liver.

Dr. C. L. Ware testified April 16, 1914, that he had treated soldier about a year for hemorrhoids, impaired eyesight, and constipation, due to torpid liver; that he is also subject to periodic attacks of rheumatism.

Soldier, now 40 years of age, was medically examined November 6, 1907, by a full board of surgeons, who rated him \$8 on disease of liver and \$8 on constipation and piles, result of chronic diarrhea.

He was again examined May 23, 1914, by a Pension Bureau surgeon, who reported as follows:

I find on examining the eyes there is chronic granulations of the upper and lower lids; on the ball of the eyes a constant congestion and a tendency to thickening of the outer covering of the eyeball at the inner canthus toward the tear tubes. The deep structures of the eye are involved also in the general inflammation. His visual power only half normal without glasses. Light weakens eye; has to wear glasses constantly. The liver I found on percussion enlarged in all directions. The hepatic dullness increased in all directions. The lower lobe of organ below the margin; in fact, a "nutmeg liver." I find also the spleen enlarged. The rectum examined, I found external piles; indurated zone all around; much bleeding at times; needs operation. The number of piles I find are four; at times cause great pain. On my examination for rheumatism I find he has recurrent, articular, chronic, large joints, shoulders, knees, hips, in change of weather. I find in nutrition he seems well nourished: muscular development seemingly good from appearance, soft, flabby, and easily fatigued. General and physical appearance seems in good condition with ailments. Palms puff, somewhat doughy to the touch. Skin, I find, to the touch gives the impression of dryness not natural at his age. Tongue—you see that type where a person takes something every day to keep bowels open; bright, pale, pink lines in the middle of the tongue. Thoracic and abdominal viscera, from percussion and palpation and measurement, shows enlargement, puffiness, distension, somewhat full of gas. The kidneys seem involved, very tender all over. The rectum around the pile zone seems indurated and hard.

Accompanying the bill is affidavit of Dr. E. W. Brooks, who says that soldier is suffering from myopia; that he also has a tender liver and spleen, and affiant has furnished him medicine for these ailments on various occasions.

Also affidavit of soldier as follows:

On this 3d day of January, A. D. 1916, personally appeared before me, a notary public within and for the county of Effingham and State of Illinois, William D. Harrington, of Beecher City, Effingham County, Ill., who, being duly sworn according to law, declares that he is the identical person who served as corporal in Company K, Fifteenth United States Infantry, and whose claim for pension bears I. O. No. 1366429.

That during a period of over eight years since August, 1907, he has furnished the Pension Bureau at Washington, D. C., all evidence asked for within his power to furnish; affidavits from comrades serving in his same company, certificates from physicians, personal affidavits, and even filed his hospital record secured from the War Department, all tending to show that he has physical disabilities that prevent him from earning a livelihood by manual labor and that these disabilities had their origin in the service of the United States while serving in the line of duty as a soldier in the Philippine Islands.

That while it is true his hospital record does not show his having been treated for disease of eyes, that it does show that he was afflicted with mumps, which developed complications, and from which ailment Army medical men informed him his disease of eyes have their origin.

That his hospital record does show he was sick at different times with malarial fever, from which he traces his disease of liver, constipation, and piles; and that while his record shows no treatment for piles while in the service, that he was treated for protruding piles while serving at Mavatac, Laguna Province, P. I., and that this was their first appearance, and that he still suffers from same and has to constantly watch his diet and use medicines for temporary relief of same; that any manual labor requiring his lifting or in the least straining himself brings down said piles and lays him on his back

days and weeks at a stretch; that his liver is enlarged and very tender; that evidences of malarial poisoning still exist; that he is anything but a sound man physically; and that he also has chronic rheumatism.

That, entering the Army a strong, vigorous youth, he gave nearly four years of his best service to his country, and that he therefore feels that he is due the same recognition given many other men who served during the same period, some of whom have not only been granted pensions long ago, but have since had increases in same.

That while he was serving his country he had no thought of a pension and therefore never made any data from which he might later draw to prove his pensionable status; that, serving with men from all parts of the United States, widely separated from each other, he now only knows the address of one comrade, Mr. Clifford B. Freese, of Esparto, Yolo County, Cal., who has already testified in his case, and said affidavits are on file in the Pension Bureau.

That his natural inclination and desires run toward the country life and the vocation of a farmer, but that by reason of aforementioned disabilities he is hindered from following that occupation.

That he has a wife and four children dependent upon him for support.

WILLIAM D. HARRINGTON.

Subscribed and sworn to before me this 3d day of January, A. D. 1916.

[SEAL.]

W. J. CAMPBELL,

Notary Public.

My commission expires December 7, 1918.

Your committee, in the light of so much testimony favoring the soldier, report the bill favorably, with recommendation for pension at \$12 per month.

S. 687. Fannie H. Maffitt is the widow of John W. Maffitt, who was late a private in Company A, First Arkansas Volunteer Infantry, in the War with Spain.

Soldier enlisted May 4, 1898, and was honorably discharged October 25, 1898. The medical records on file in the War Department furnish no evidence of disability or treatment during service. On his examination preliminary to discharge he disclaimed disability, and none was reported by the examining surgeon. It does not appear that he ever applied for pension during his lifetime.

Soldier died March 25, 1900, of disease of lungs. The claim of the widow for pension filed July 11, 1900 (No. 722691) was rejected on the ground that soldier's fatal disease was not due to the military service, that the same first appeared about one year after his discharge.

The case, which is quite voluminous, may be briefly stated as one in which the evidence taken on special examinations is contradictory and conflicting and somewhat difficult to reconcile. There is evidence that soldier was in good health during his service and at the time of his discharge, and on his return appeared to be in better condition than when he enlisted. On the other hand there is evidence of reputable witnesses that he was sick with severe cold and bronchial trouble last part of service and immediately after his discharge, and that he was in continuous decline until his death, which occurred one year and five months after his return from the service.

Dr. Eugene E. Hay, assistant surgeon (claimant's brother), is positive that soldier suffered from severe cold and acute bronchitis at Fort Logan H. Roots, where the regiment was stationed when it returned from Chickamauga and reassembled for 10 days after the expiration of the 30-day furlough immediately prior to October 25, 1898. He is also positive that within a week after soldier's re-

turn home he had a severe cough, with pain in chest, high temperature, and congestion of right lung.

Dr. J. C. Minor, surgeon, is certain that soldier developed a severe cough and bronchial affection in the service and had it at Fort Logan H. Roots.

Dr. Jesse P. Randolph, first sergeant, testified that soldier was sick a couple of days at Fort Logan H. Roots and was in a weakened condition while home on furlough; that he noticed soldier's weakened and emaciated condition and gradual decline from the close of the service until his death.

Joseph A. Payton testified that soldier was complaining of a severe cold, was coughing, and had his throat tied up, and, to the best recollection of witness, soldier was in the hospital at Chickamauga in August, 1898.

Herbert K. Mooney testified that soldier's name was on the sick list at Chickamauga in August, 1898.

Dr. L. R. Ellis testified that soldier came to the hospital for medicine in the service and on affiant's return from medical college in the spring of 1899 noticed soldier had a bad cough.

Andrew J. Bunch said that soldier was sick and in hospital at Chickamauga and witness saw him there a day or two; that he had an awful cough at Fort Logan H. Roots and a bronchial affection in the same fall after discharge.

William H. Estelle, quartermaster sergeant, testified that soldier complained of a cold at Fort Logan H. Roots, and his health was not good after discharge.

Benjamin F. Morehead testified soldier was sick at Chickamauga in August, 1898, and he believes was in the hospital.

Soldier's mother testified that he returned to her house immediately after discharge and that he was then the picture of health and did not speak of having anything at all the matter with him; that his health continued good until sometime in the summer of 1899, when he began to take medicine from Dr. Hay, which witness supposed was for piles, as that was the only ailment he then had so far as she knew; and that along in the fall of that year he began to have a cough, which became chronic, and he failed rapidly until he died of consumption. Soldier resided with his mother from discharge to death.

Soldier's half sister and half brother corroborated the mother's testimony. The half brother further testified that he served in the same company with the soldier and slept with him nearly every night; that he was apparently in good health throughout his entire service; and that when discharged he looked better than he had for several years. Other comrades testified to the same effect as to soldier's health while in the service and at the time of discharge.

Dr. Samuel B. Steele lived about 40 feet from soldier from the time he returned home from the Army until he died. The witness noticed soldier had a bronchial affection, possibly immediately after his return, and talked to him about it; that soldier was confined to bed between discharge and the next summer and knows he had a cough and was suffering from an affection of bronchial tubes.

Minnie B. Loughlin testified that she lived next-door neighbor to soldier after he came home, with only a fence between the adjoining properties, and that the first time she saw him after he

returned home he had a coughing spell at the gate and she called her husband, now dead, to witness it. From that time on she saw soldier almost daily when he was able to go out.

Lulu W. Townsend lived across the street and testified to what soldier's mother said before or after Christmas, 1898—that soldier was sick and coughed and she was afraid he would have pneumonia.

Edward Parham, deputy circuit clerk when soldier returned from the Army and resumed his clerical work, testified that after soldier resumed work in the fall of his discharge witness noticed he had a cough which bothered him a great deal and soldier complained of exposure in the Army; that he suffered with pains and coughed right along after he resumed work in the office in the fall of 1898 and continued to do so until he died of consumption.

Robert S. Dean, circuit clerk, testified that soldier spoke of being drenched in the Army and complained of a cold and was taking medicine for it; that this was before June, 1899.

Robert L. Williams was mayor of Hot Springs, Ark., two years and has been sheriff of Garland County 15 years. He testified that he saw soldier immediately after he came home and not long thereafter noticed he coughed; that soldier appeared to be a sick man and said he had taken cold in the Army. The witness believed soldier had declined from the time he came home until he died of consumption.

The widow married the soldier June 14, 1883, and is 57 years of age. Evidence filed with the bill shows that she is in poor circumstances and without means of any kind and entirely dependent upon her own efforts for her support. Conceding her the benefit of the doubt, your committee report the bill favorably, with recommendation for pension at \$25 per month.

S. 765. Minnie H. Wolf is the widow of Herman P. Wolf, who served from April 26, 1898, to September 25, 1899, as a private and corporal in Company H, First Regiment North Dakota Volunteer Infantry, in the War with Spain, the greatest part of his service having been rendered in the Philippine Islands.

Soldier at the time of his death, November 14, 1912, had a claim pending on account of pulmonary tuberculosis, which was rejected on the ground of the insufficiency of the evidence to connect the disability with the military service. The claim of the widow for pension filed July 6, 1915 (No. 1049907), was rejected for the same reason.

The muster rolls report soldier as sick in regimental hospital June 17 and 18, 1898; sick in quarters May 24 to 28, 1898, and July 10 to 17, 1899; in reserve hospital, Manila, April 13 to May 23, 1899, and May 29 to June 2, 1899; also as wounded in action at Kings Bluff, near Manila, P. I., April 13, 1899. The medical records show him treated in April, May, and June, 1899, for gunshot wound of left foot and from July 10 to 17, 1899, for acute diarrhea. On his examination preliminary to discharge soldier disclaimed any disability or impairment of health, and none was reported by the Army surgeon.

Soldier's captain, lieutenant, and some comrades testified that soldier suffered from rheumatism, diarrhea, and had cold and continued cough during service in the Philippines. It is well estab-

lished that he was sound at enlistment and was not in the same good health after discharge. The evidence shows that he had quite a severe attack of rheumatism during the fall or winter following discharge and that his cough continued and grew worse until a few years later, when he was found to be suffering from pulmonary tuberculosis, which ultimately caused his death.

Porter W. Eddy, captain, testified that soldier was ill a number of times during his service in the Philippine Islands, suffering apparently with pain in shoulders, chest, sides, hips, and legs, often becoming very weak; that shortly before leaving the Philippine Islands soldier was taken with a severe cold and cough, which lingered with him until his return to North Dakota; that he never fully recovered from the cough.

W. M. Hotchkiss, comrade, since graduate in medicine, testified that he knew personally of soldier's being afflicted with dysentery and on numerous occasions was unfit for duty, complaining many times of pain in his upper and lower extremities; that affiant saw soldier repeatedly after their return to the United States and noticed on several occasions that his physical condition was not what it should have been; that soldier said he had not really felt well since his wound and sickness in the Philippine Islands.

Dr. John W. Sifton testified August 3, 1915, as follows:

I attended Herman P. Wolf as his physician off and on from his return from the Philippines in 1899 until his death in November, 1912. At first I did not realize his condition as tubercular, although he had a hacking cough and complained of attacks of pain in chest and limbs and a slight temperature. Some of these attacks would prevent his working as a druggist, others would not. He complained more or less until 1908, when he began to expectorate freely. Examination showed tubercular bacillus. Several times before this I had advised him to give up the drug store and find outdoor employment. This he thought he could not do, but in 1905 or 1906 he spent a good share of the summer in the State of Washington, returning apparently much better. In 1909 he gave up work entirely and spent the winter in the South. In the year 1910 he spent some time in sanitarium at Colorado Springs, from which place he came to Portland, feeling very good. Here he began work in a drug store, and after a short time began to go downhill, when he finally died in November, 1912. There is no doubt in my mind but that the vague pains in chest and limbs, hacking cough, and slight rises of temperature which he had when he came from the Philippines were the results of tubercular infection, which caused his death.

Claimant married the soldier September 24, 1902, and is left with two minor children, under the age of 16 years, to care for and support. She is 36 years of age, in poor health, and straitened circumstances. The evidence shows that she has but little property, and that her income is very small and she stands much in need of the relief which a pension would give her.

The evidence seems strongly to support the claim and your committee report the bill favorably with recommendation for pension at \$25 per month together with the usual allowance of \$2 per month on account of each of the soldier's minor children under the age of 16 years.

S. 882. Willis S. Harris, alias Charles E. Sanders, enlisted October 5, 1891, as a private in Battery F, First United States Artillery, and was discharged January 5, 1895. He again enlisted November 7, 1895, as a private in Battery C, Fourth United States Artillery, and

was discharged November 6, 1898. The medical records on file in the War Department show treatment in service as follows:

May 12 and 13, 1892, indigestion; December 22 to 28, 1892, acute bronchitis; February 24 and 25, 1893, and May 17 and 18, 1893, acute diarrhea; December 13 to 16, 1893, slight contusion right knee and left wrist from fall; March 29 to April 6, 1894, severe sprain left thumb, in a brawl, not in line of duty; September 3 to 15, 1894, eczema of right hand; March 12 to 16, 1896, lumbago; April 24 to 30, 1896, myalgia, muscles of back and thighs; June 11 to 13, 1896, contusion, right foot; August 2 to 20, 1896, malarial fever; September 20 and 21, 1898, intestinal colic.

On October 26, 1912, soldier made claim for pension (No. 1405149) alleging that at Fort Armistead, Md., about April 30, 1898, he contracted lung disease.

He was examined November 20, 1912, by the Los Angeles (Cal.) board of surgeons, who reported evidences of lung disease, for which they recommended a rating of \$12. He was again examined June 16, 1915, by another board at Los Angeles, Cal., and rated at \$8 on lung disease.

The claim was rejected by the Pension Bureau on March 28, 1916, on the ground of no medical or other satisfactory evidence showing existence of lung disease at discharge and continuance during each year since until 1908.

There is evidence of comrades on file that soldier contracted cold and sickness from exposure to storm at Fort Armistead, Md., in April or May, 1898; that he was never afterwards as physically fit as he was before that time; that he was afflicted with a cough and appeared to be sick most of the time. Another comrade testifies to soldier's frequent cough, that he suffered from chills and fever, lost weight, and was run down and had the appearance of having tuberculosis. Other comrades testified to same effect. It seems to be conceded that the evidence shows existence of lung disease from 1908, and had soldier proved continuance during the whole period from discharge his claim no doubt would have been admitted.

Medical evidence accompanying the bill shows that soldier, on account of chronic pulmonary tuberculosis, is unable to do heavy manual labor. He is 44 years of age and very poor, having no property or means of any kind and being largely dependent upon the labor of his wife for the support of himself and family. The evidence on file seems to be in favor of his claim and your committee report the bill with recommendation for pension at \$12 per month.

S. 912. John M. Dikes was a sergeant in Troop H, First United States Cavalry, and private in Company A, Thirtieth United States Infantry. He enlisted in the Regular Army January 5, 1899, and was in the service almost continuously until September 16, 1913, when discharged on surgeon's certificate of disability on account of "weakness and limited motion of left arm, forearm, and hand, result of old injury, compound fracture both bones middle third left forearm accidentally incurred at Fort Gibbon, Alaska, August 31, 1912, in line of duty."

He has a record of treatment in the service for lumbago, bronchitis, diarrhea, malaria, gastritis, fracture of left arm, neuritis in left arm, and other complaints.

Soldier filed and established a claim for pension under the general law, and is now drawing \$24 per month, by certificate No. 1174103, on account of dysentery and resulting disease of stomach and fracture of left arm. He applied for increase through the regular channels at the Pension Bureau October 26, 1915, and his application was rejected in February, 1916, on the ground that his rate was commensurate with the degree of disability resulting from pensioned causes.

Soldier, who is 37 years of age, was first officially examined December 3, 1913, by a full board of surgeons, who rated him \$24 on injury to left arm, \$6 on disease of stomach, and \$4 on debility from chronic diarrhea. He was again examined April 1, 1914, and rated \$12 on disease of stomach, \$8 on disease of liver, \$10 on disease of bowels, and \$12 on injury to shoulder and left arm. He was last examined January 5, 1916, and rated \$10 on gastro-enteritis, dysentery, and piles, \$6 on disease of lungs, and \$10 on fracture of arm.

Dr. J. M. Ward, testifying November 9, 1915, said soldier suffers from an enlarged and infected gall bladder, with tenderness over region of gall bladder and over the lower abdominal region; that his left arm is almost completely useless, due to fracture of forearm and a resulting ankylosis of radius and ulna; that he has lost all use of arm, due to fracture of scapula and accompanying injury to nerve supply to arm; and that he is incapacitated for performing any manual labor.

Medical evidence filed with the bill is to the effect that soldier is suffering from an almost complete paralysis of left arm, forearm, and shoulder, rendering the limb almost useless, due to a former fracture of forearm and severe strain of arm and shoulder, also from chronic dysentery, and that he is unable to perform any continuous labor. It also appears that he is poor and dependent upon his pension for support.

Your committee report the bill favorably with recommendation for increase of pension to \$30 per month, that being the general-law rate for total incapacity for manual labor.

S. 981. James W. McKay was late first lieutenant in Battery A, First Rhode Island Light Artillery, in the War with Spain. He was enrolled June 8, 1898, and mustered out October 26, 1898, having served about four and one-half months. Record of physical examination at enlistment shows right inguinal hernia incomplete and corrected by truss.

In his claim for pension (No. 1417224), which was not filed until November 10, 1914, soldier alleged that at Davisville, R. I., latter part of September, 1898, while trying to stop a team of frightened horses attached to a caisson, he was thrown with much violence against a platform on the opposite side of the street, whereby he received an injury to his back which has brought on his present total disability; that there was no surgeon stationed in the camp and he was not treated in any hospital. In affidavit filed January 15, 1915, he alleged that at the time and place stated he was injured in back and left leg. The claim was rejected August 18, 1915, on the ground of "no record in the War Department; no medical or other satisfactory evidence showing origin in service, existence at

discharge and continuance thereafter, and claimant's declared inability to furnish any additional evidence."

The medical records on file in the War Department show treatment of soldier in service as follows:

July 22, 1898, bruised wound, hand; July 23 to 25, 31, August 2, 4, and 6, 1898, incised wound, hand; August 10, 11, 13, 16, and 18, 1898, punctured and incised wound and abrasion, hand. No additional record of disability found.

On his examination preliminary to muster out, soldier disclaimed any disability or impairment of health, and his captain certified that he knew of no disability of soldier at that time. The Army surgeon reported as follows:

Right inguinal hernia incomplete; corrected by truss; has existed for about 15 years.

Capt. Edgar R. Barker, testifying October 22, 1914, said that he was in command when soldier was injured and was informed of the injury on the return of soldier to camp; that he has been on intimate terms with soldier from time of muster out and has seen the trouble come on soldier from a slight lameness to his present helpless condition; that when soldier entered the service he was a strong, vigorous man.

Fred G. Burt, comrade, said he was present when claimant met the accident on which he bases his claim for pension; that the horses got frightened and soldier was violently thrown against the platform of a grain store.

John R. Sumner and William J. A. Leach, comrades, testified that they were present when soldier was hurt; that the horses became frightened and soldier was violently thrown against a platform of a store, opposite railroad station, and was injured.

Thomas M. Reed, neighbor, testified that soon after leaving the service soldier complained of a weakness in one of his legs, which, he said, was caused by an injury he received in the United States service in trying to stop a runaway team of horses; that he has seen this lameness grow on him from a slight lameness to his left toes dragging and his leg giving away under him; that he has seen this grow worse until now both legs are affected and he is unable to walk at all without assistance.

James A. McCullough, neighbor, testified that he knew soldier in 1900, and knew that he was very lame at that time, and has seen this lameness increase to his present condition.

Theron N. Griggs, neighbor, testified that he has known soldier since 1902; that soldier was then quite lame, and that this lameness grew on him until he is now helpless.

Dr. John T. Farrell, testifying November 17, 1914, said that soldier called on him about 1906, complaining of lame back and hips and numbness in left leg; that there were no bone lesions found when X rays were applied; that treatment was continued for about a year, but without much favorable result; that careful inquiry was made as to patient's medical history and no evidence of any venereal disease found, and soldier denied ever having been so affected; that soldier's ailment has progressed steadily since 1907 until he is helpless and entirely unable to care for himself, and suffers very much from his illness at frequent times.

Dr. John E. Donly testified October 23, 1914, that he had examined soldier and found him to be suffering from spastic paraplegia.

Soldier, now 58 years of age, was officially examined April 21, 1915, by the Providence, R. I., board of surgeons, who reported as follows:

Left thigh, 19 inches, right thigh 20 inches in circumference; calf of left leg, 14 inches; right calf, 14½ inches; no shortening in either leg; fairly marked clonus; tendo achilles reflex normal; patella reflex very marked; no hyperesthesia; no evidence of abnormality of spine or muscles of back; no tenderness of lumbar muscles; muscular sense normal; general nutrition good; skin clear; heart normal; lungs normal; palms soft and smooth; physical appearance very good; no evidence of vicious habits; no visible evidence of traumatism; no evidence of fracture or dislocation.

Spastic paralysis nearly total of thighs and perineal group of lower legs; more marked in left leg. Unable to walk without the aid of crutches. Kidneys normal. Recommend a rating of \$17 a month.

Accompanying the bill is evidence as follows:

PROVIDENCE, R. I., January 19, 1917.

To whom it may concern:

I hereby certify to the fact that First Lieut. James W. McKay, Light Battery A, First Artillery Rhode Island Volunteers, was severely injured while the battery was stationed at Camp Dyer, Quonset Point, R. I.,

In the latter part of September, 1898, while receiving supplies at the railroad station, a team of horses, becoming frightened, he, in an effort to prevent their running away and jeopardizing the lives of his comrades, was violently thrown and received injuries which, I believe, has resulted in his being helpless for life, his lower limbs being paralyzed, and has been in that condition the past three years.

At time of accident I requested him to refrain from active duty, and regret that he disregarded my request, which he did, contending that at that period of organization and drill the services of every officer and man were required.

At that period, to the best of my knowledge and belief, we were without medical attendance.

Respectfully,

EDGAR R. BARKER,

Late Captain Light Battery A, First Artillery Rhode Island Volunteers.

Subscribed and sworn to before me this 20th day of January, 1917. The affiant is known to me to be a credible person.

[SEAL.]

HENRY J. PICKERSGILL,

Notary Public.

EAST PROVIDENCE, R. I., January 2, 1917.

This is to certify that I have examined Mr. James W. McKay, of Hazard Avenue, East Providence, R. I., who was injured during service in Spanish-American war.

General health good; heart and respiration normal; deformity in sacral spine slight with tenderness over sacrum and ilia; knee jerks exaggerated; partial paralysis in right leg; almost total paralysis in left leg. Patient complains of constant pains across back in sacral region. Patient can get about the house with the aid of crutches.

IRWIN W. SLACK, M. D.

Personally appeared before me, and known to me, Irving W. Slack, who, under oath, declares that the above is his signature and the above certificate is correct.

[SEAL.]

HENRY J. PICKERSGILL,

Notary Public.

Also evidence that soldier is physically helpless and unable to labor and that he is destitute of property or means of any kind for his support.

While the evidence filed by the soldier is not up to the standard required under the strict rules of the Pension Bureau, yet your com-

mittee are of opinion that the case deserve favorable action, and accordingly recommend the passage of the bill with pension at \$30 per month.

S. 996. Adam S. Bridgefarmer served from May 26, 1856, to August 11, 1856, as a private in Capt. Hiram Wilber's Company B, First Regiment Oregon Mounted Volunteers, and while so serving took part in the Oregon and Washington Territory Indian War.

He is at present in receipt of pension under the act of February 19, 1913, at the rate of \$20 per month, certificate No. 4285. He was originally pensioned at \$8 per month under the Indian war service acts of July 27, 1892, and June 27, 1902.

Soldier, however, is upward of 80 years of age, and medical evidence filed with the bill shows that he is disabled by ill health, chronic diarrhea, disease of bladder, failing sight, and old age, and is in such an enfeebled condition that he can do absolutely nothing in the way of self-support and requires periodical care of an attendant. It is also shown that he is a poor man without property and entirely dependent upon his pension for support.

Acting in this case as we have in similar cases, your committee report the bill favorably, with recommendation for increase of pension to \$30 per month.

S. 1174. Charles H. Ferriss was a private in Company H, Twenty-second Regiment United States Infantry. He enlisted September 24, 1870, and was discharged June 30, 1871, by reason of the reduction of the Army.

He filed his claim for pension April 16, 1897 (No. 1190191), alleging in his declaration that at Fort Randall, Dakota Territory, in November, 1870, he received injury to left leg between knee and ankle. The claim was rejected on the ground of the insufficiency of the evidence to prove incurrence of the disability in the service.

Claimant alleges that in the month of November, 1870, he accidentally fell from a building upon which he was working under orders, and injured his left leg between knee and ankle, and that the injury resulted in disability which has existed up to the present time.

The medical records on file in the War Department show treatment of the soldier in service, as follows:

November 19 to 26, 1870, ulcers; December 3 to 14, 1870, ulcer on left leg; December 15, 1870, to January 19, 1871, ulcer, left leg; April 10 to 11, 1871, ulcer; April 13 to June 22, 1871, ulcer; June 28 to 30, 1871, ulcer.

Two comrades, both reputable and of good standing, testify positively in support of the claim. Comrade William H. Grammer said:

I did not witness the accident. It occurred at Fort Randall. Claimant was detailed as a carpenter, and was engaged in putting up a siding on one of the buildings, and, as I understood, he was standing on a barrel, and either the barrel slipped from under him or else the top of the barrel gave way, and he was thrown to the ground, and in the fall his leg was torn by a nail. I saw the claimant working on the building just before the accident happened, and I suppose it was not more than 10 minutes after the accident that I had heard all about it. As well as I now remember, it occurred in the afternoon about 3 p. m., though I am not positive. As soon as I heard that he had been hurt, I went over to see him, and he showed me his leg. There was a gash in his leg about 2 or 3 inches long and was bleeding. It seems that it was the next morning that he went to the hospital. The leg began to swell,

and he went for treatment. I remember seeing him leaning on Hathaway's shoulder going to the hospital.

I can not give the date on which he incurred the injury, but it was shortly after he joined the company, and I think it was summer time, though I am not certain. Claimant continued to suffer with his leg throughout service, and he showed me the wound several times. It never seemed to get well. It would heal up at times and then it would get sore again. He always was weak in that leg after he got injured. We all slept in one long building, and the claimant slept in the bed right next to mine, and in that way I often saw his leg. I do not clearly remember which leg it was that he injured. Whenever we did marching I remember that he complained of his leg. At times the leg would swell and the wound would open and it would be several days before it would heal again. I did see his leg before the incurrence of the injury. We often went in swimming together, and I also saw his leg bared when he was about to retire at night. I had never noticed that there was anything wrong with either of his legs. Never noticed that there was any enlargement or discoloration on any part of either of his legs prior to the incurrence of the injury. I feel certain that there was not. I never knew nor heard that he had ever injured either of his legs at any time prior to that injury. I never heard him complain of varicose veins and never noticed anything to indicate that he had any. The wound did not look like varicose. It was an open sore, and I am certain that it was incurred in the manner in which I have stated, as I saw it so soon after the accident. I am also certain that it was the same injury with which he suffered throughout the remainder of his service.

Comrade George Hathaway deposed and testified practically to the same effect as the foregoing witness; also—

I do know that this man had his leg hurt as I have described. If the record shows that he was treated for ulcer, I am inclined to the belief that that is erroneous if the term "ulcer" indicates that it was a wound of long standing, for I am confident that he had no disease or disability or infirmity or weakness of any sort in leg before the injury referred to.

Continuance of disability from discharge is sufficiently well established by medical and lay testimony. On his first medical examination, July 7, 1897, soldier was rated \$12 for ulceration and \$3 for varicose veins. The Pension Bureau surgeon by whom he was examined October 30, 1913, described the disability, stating that it was certainly a "bum leg," but gave no rating in figures.

Soldier is 66 years of age, and evidence accompanying the bill shows that he is disabled by disease of left leg, also that he is in poor circumstances and much in need of a pension.

The papers in this case show that the claim was legally and medically approved in September, 1914, for disease of left leg, result of injury, at \$6 per month from April 16, 1897, and had it not carried a large sum on the first payment soldier's name would now be on the pension roll and he would be receiving a pension. Because it did carry a large first payment the claim was given a third review, when it was rejected, as before stated. Seemingly a doubt has arisen in the minds of those who have considered this case as to whether the soldier was at Fort Randall, Dakota Territory, when he claimed to have incurred his disability; there is, however, no doubt about it, and the official records show beyond dispute that he was at that place at that time and was treated in the hospital there, and the evidence of comrades fully confirms the records.

The rejection of the claim was affirmed on appeal by the Assistant Secretary of the Interior, notwithstanding which your committee are of the opinion that the claim is fully and fairly established and should have been allowed at the Pension Bureau.

The bill is reported favorably with recommendation for pension at \$12 per month.

S. 1177. Van Ogle was late first lieutenant in Company B, Washington Territory Volunteers, and served in the Oregon and Washington Territory Indian wars from October 14, 1855, to January 14, 1856, and from January 23 to April 1, 1856.

He was originally pensioned under the Indian war-service acts of July 27, 1892, and June 27, 1902, at the rate of \$8 per month. (Certificate No. 3883.) He is now receiving \$20 per month under the act of February 19, 1913, that being the highest allowance he can obtain through the Pension Bureau.

Soldier, however, is 92 years of age, and the evidence of a physician and neighbors submitted to the committee shows that he is infirm and decrepit, suffering from heart and liver trouble, disease of bladder, failing sight, and other infirmities of age, and is in such an enfeebled condition that he can do absolutely nothing in the way of self-support and requires the watchful aid and care of other persons. It is also in evidence that he is very poor and without property or other means and with no source of income aside from his pension.

In the light of numerous precedents, your committee report the bill favorably with recommendation for increase of pension to \$30 per month.

S. 1242. Reuben Waller was a private in Company H, Tenth United States Cavalry, and served a term of five years, covering the period from July 16, 1867, to July 16, 1872, when honorably discharged.

He filed and established a claim for pension under the general law and is now pensioned by certificate No. 540173 at \$24 per month for rheumatism and resulting disease of heart, which originated in the service. He was first pensioned at \$6 per month from November 12, 1888, increased to \$17 October 19, 1892, and to \$24 July 22, 1896. Claims for further increase were rejected December 11, 1899, and March 28, 1904. His last claim for increase was rejected August 15, 1914, on the ground that his condition was due in part to senile degeneration.

Soldier is about 75 years of age. His last official examination was made July 8, 1914, by the Eldorado (Kans.) board of surgeons, who recommended him for a rating of second grade (\$30) on rheumatism, that being the general-law rate for total incapacity for manual labor.

Accompanying the bill is medical evidence as follows:

ELDORADO, KANS., December 21, 1915.

Hon. CHARLES CURTIS,

United States Senator, Washington, D. C.

DEAR SIR: In the matter of pension claim of Reuben Waller, Company H, Tenth United States Cavalry, I will say that I have this day examined the claimant and find him entirely incapacitated for doing manual labor, on account of a general rheumatic trouble, affecting nearly all the joints of the body, those especially of the fingers, wrists, ankles, and right knee. All are enlarged, sensitive, and the motion very much impaired. His gait in walking is necessarily slow, and he is unable to grasp anything firmly in his hands. This trouble, together with the general infirmities of 74 years of age, places Mr. Waller in an almost helpless condition, so far as earning a maintenance is concerned.

I have known Mr. Waller for more than 40 years. He has been a sober, peaceable, industrious citizen, and is deserving of your efforts to aid his condition.

Respectfully,

R. S. MILLER, M. D.

The above statement was subscribed and sworn to by said R. S. Miller this 22d day of December, 1915.

[SEAL.]

WALTER F. MCINNIS,
Notary Public within and for Butler County, Kans.

My commission expires January 23, 1919.

Other evidence filed with the bill is to the effect that soldier is wholly disabled for manual labor by reason of rheumatism and resulting disease of heart; also that he is very poor, that he has nothing but a small home, upon which there is some encumbrance, and that he is entirely dependent upon his pension for the support of himself and wife.

It is believed that soldier is entitled to a higher rate than he is now receiving, and your committee report the bill favorably with recommendation for increase of pension to \$30 per month.

S. 1443. Thomas M. Woods served as a private in Company C, Third Regiment Tennessee Volunteer Infantry, in the War with Spain; he was enlisted April 25, 1898, and honorably discharged January 31, 1899.

He filed and established a claim for pension under the general law and is pensioned by certificate No. 1104936 at \$17 per month for malarial poisoning and resulting disease of rectum, which originated in the service. He was first pensioned at \$6 per month from September 18, 1900; increased to \$8 May 1, 1907; to \$10 October 25, 1911; and to \$17 August 7, 1912. Claim for further increase filed November 5, 1913, was rejected March 7, 1914.

Soldier is now 51 years of age. He was last officially examined January 14, 1914, by the Knoxville (Tenn.) board of surgeons, who rated him \$12 on malarial poisoning, \$12 on disease of rectum, and \$4 on lumbago, and reported in part as follows:

The claimant probably performs some labor, but is not able to earn wages. He is so disabled from malarial poisoning and disease of the rectum as to be incapacitated in a degree equivalent to the loss of a hand or a foot for purposes of manual labor, and is entitled to \$24 a month.

Another board of surgeons, under date of August 7, 1912, also reported soldier as disabled by reason of malarial poisoning in a degree equivalent to the loss of a hand or foot for purposes of manual labor, and entitled to \$24 a month.

Medical and other evidence filed with the committee is to the effect that soldier is wholly disabled for manual labor by reason of malarial poisoning and results; also that he is poor and dependent upon his pension for the support of himself and family.

The evidence seems to establish his right to more pension, and your committee report the bill favorably with recommendation for increase of pension to \$24 per month.

S. 1526. George M. Spencer, claimant, was a member of Company F, First United States Infantry. He enlisted in the Regular Army August 13, 1883, and was in the service almost continuously until December 3, 1905, when discharged on surgeon's certificate of dis-

ability on account of "right inguinal hernia, not capable of cure; flat feet, with pain after exertion; eyesight and hearing much impaired from age and over 20 years of service."

He has a record of treatment in the service for hemorrhoids, hernia, diarrhea, malarial fever, otitis media, left ear, eczema, and other complaints.

Soldier filed and established a claim for pension under the general law and is at present in receipt of pension at \$10 per month for right inguinal hernia, certificate No. 1147632. He was originally pensioned for impaired hearing, resulting in total deafness of left ear, and right inguinal hernia, at \$11 per month from January 9, 1906, date of application; \$17 from December 26, 1906; and \$10 from May 8, 1908, pension for deafness of left ear ceasing May 7, 1908, on the ground that a ratable degree of disability therefrom was no longer shown. Claim for restoration for deafness of left ear was rejected July 19, 1909, on the ground that a ratable degree of disability from such complaint was not shown since date of dropping. Claims for increase on account of pensioned disability were rejected July 19, 1909, and August 7, 1911, and hernia of left side, alleged as a result, was said by the medical referee not to be shown a result.

Claimant, now 63 years of age, was last examined July 5, 1911, by a full board of surgeons, who rated him \$6 on right direct inguinal hernia, \$4 on left varicocele, \$6 on nearly total deafness of left ear, \$3 on rheumatism, and \$3 on disease of rectum.

Accompanying the bill is affidavit of Dr. Alfred C. Norcross, dated April 13, 1916, who said that he had examined soldier and found him physically unfit for ordinary work because of age, inguinal hernia on right side, painful callosities on soles of both feet, varicose veins, orchitis (left), and chronic nasal catarrh, and partial deafness of left ear. Also evidence that soldier is poor and without means and with no other income than his pension.

In the judgment of the committee the service and resulting disability shown warrant increase of pension to \$17 per month.

S. 1569. Katharine E. Bocoskey is the widow of Michael Bocoskey, late private, Company E, Nineteenth Regiment United States Infantry, who was pensioned by special act at the rate of \$12 per month during the second session of the Fifty-ninth Congress, the report from the House Committee on Pensions being as follows:

Michael Bocoskey, post-office box 837, Washington, D. C., enlisted May 14, 1897, at Fort Brady, Mich., in Company E, Nineteenth Regiment United States Infantry, and was honorably discharged by expiration of term of service May 13, 1900, at Colasi, Panay, P. I. He again enlisted January 15, 1901, at Seattle, Wash., and was assigned to Battery G, Fifth United States Artillery, which subsequently became the Fifty-third Company, United States Coast Artillery, and was discharged April 21, 1901, at Fort Wadsworth, N. Y., on surgeon's certificate of disability for anemia, edema of feet, and occasional ascites.

On May 8, 1901, he filed an application for pension, declaring that in New York State, on January 20, 1901, he incurred disease of stomach, bowels, and dropsy, as result of typhoid fever contracted in the Philippine Islands. This claim was rejected on the ground that the alleged disabilities did not originate in service, inasmuch as it is shown by the record that the typhoid fever, which is claimed to have caused disease of stomach, bowels, and dropsy, did not develop until five months after claimant's discharge from the organization with which he served in the Philippines.

On May 24, 1905, he filed a supplemental claim, declaring that at Tampa, Fla., in July, 1898, he contracted malaria, which had resulted in enlargement of spleen and disease of liver. The medical records bear out the claimant's allegations, inasmuch as they show he was treated for malarial fever in line of duty in August, 1898; after this, however, he was discharged and reenlisted, and after a further service of three months was discharged because of anemia, with occasional temporary albuminuria, which, the discharging officer concluded, was due to the typhoid fever, from which the soldier suffered an attack between his two terms of service.

From the evidence submitted it is not clear that the claimant suffered continuously from the results of malaria after the time he was treated for same in August, 1898, as above indicated, but upon a medical examination June 16, 1905, by a Washington (D. C.) board, marked signs of the disease were found, and the board rated him at \$12 per month therefor.

On May 15, 1906, the claim based upon malaria was rejected by the Pension Bureau on the ground of no medical or other testimony as to the existence at or continuance since discharge and the manifest inability of the claimant to furnish such evidence.

Claimant explains under oath the absence of proof between the time he was treated in the service for malaria and the date of the finding of the board of medical examiners by stating that after his discharge he went to Fort Bayard, N. Mex., Olympia, Wash., and Detroit, Mich., and other places, and was too poor to secure the continuous services of a physician; also that the acquaintances he made were few.

It is admitted that some doubt obtains in this case, but after a very careful consideration of all the evidence filed in support of the bill, and particularly considering the soldier's faithful services in the Tropics, your committee is of the opinion that the soldier is entitled to recognition, and therefore respectfully recommends the passage of the bill.

Soldier died at the Soldiers' Home Hospital, Washington, D. C., January 30, 1915, the cause of his death being given as disease of heart and dropsy. He left surviving a widow, the claimant under this bill, and two minor children under the age of 16 years.

Claimant married the soldier March 17, 1910, and has been recognized as his lawful widow in the payment to her of the accrued pension due in his claim at date of his death. She made claim for pension under the general law February 23, 1915 (No. 1041825), alleging that soldier's death was due to disease contracted during his military service. The claim was rejected in March, 1915, on the ground that soldier's fatal disease of heart and dropsy did not originate in the military service and line of duty, but resulted from typhoid fever contracted subsequent to his discharge from Company E, Nineteenth United States Infantry, and prior to his reenlistment in Battery G, Fifth United States Artillery.

Capt. Frederick B. Shaw said that soldier was discharged by him about May, 1900; that soldier complained at that time of illness and gave that as his reason for not reenlisting, saying he thought he could not stand more service in the islands; that soldier's appearance indicated that he was not well, but affiant is unable to say what the trouble was.

Claimant is 34 years of age, and evidence filed in the case shows that she is very poor and without means for the support of herself and two children.

The right of the soldier to pension having been recognized by Congress, your committee are of opinion that similar recognition should be accorded the widow, his death seemingly having been due to disability accepted as a result of the military service.

The bill is reported favorably, with recommendation for pension at \$25 per month, together with the usual allowance of \$2 per month for the soldier's minor children under the age of 16 years.

S. 1989. Thomas S. Millikin was a private in Company L, Forty-fourth United States Volunteer Infantry in the War with Spain. The official records show that he enlisted September 19, 1899, that he served in the Philippine Islands, and that he was honorably discharged June 30, 1901.

He is at present a pensioner by certificate No. 1173403 at \$8 per month on account of malarial poisoning (to cover disease of stomach, bowels, and liver), which originated in the service. He was first pensioned at \$6 per month from February 5, 1908, increased to \$8 June 3, 1914. Claim for further increase filed December 1, 1914, was rejected October 7, 1915.

Soldier also made claim on account of additional disabilities, injury of right knee, disease of kidneys, and effects of salivation, which claim was rejected on the ground of the insufficiency of the evidence to connect the complaints with the military service.

The medical records on file in the War Department show that soldier was treated during service for vaccination, acute gastric indigestion, felon on index finger, acute dyspepsia, general myalgia, acute gastritis, malarial fever, and for disease not incident to the service. In the judgment of the medical referee vicious habits, however, may be eliminated from the case. On his examination preliminary to discharge soldier disclaimed any disability, and none was reported by the Army surgeon by whom he was then examined.

Four comrades testified in support of the claim that soldier suffered from malaria, dysentery, stomach and bowel trouble, salivation, and incurred injury to right knee in the service. Continuance of disabilities is shown by testimony of physicians, who say that since discharge soldier has suffered from malarial poisoning, dysentery, lameness in right leg, stomach and bowel trouble, and effects of salivation. He was first officially examined May 7, 1913, by a board of surgeons, who rated him \$10 on injury to right knee and \$8 on malaria and effects of salivation.

He was again examined June 3, 1914, and the report thereof is in part as follows:

Rating: Result of malarial poisoning and its continuance, 10/18; condition of teeth, gums, and nose, 10/18; kidney condition, 10/18; condition of stomach and intestinal tract, liver complications, and the results therefrom, 12/18; lung and heart, 10/18. General rating 10/18.

He was last medically examined July 7, 1915, and the report thereof is, in part, as follows:

For the condition of the right knee we rate the applicant 12/18. For the condition of the heart 14/18. For the condition of the stomach, with its relation to the condition of the heart, 14/18. For the condition of the kidneys and general anemic condition, 14/18. We rate the applicant (general rating) 14/18.

Accompanying the bill is medical evidence as follows:

ROSEBURG, OREG., April 21, 1916.

STATE OF OREGON,

County of Douglas, ss:

I, Frank H. Vincil, being first duly sworn, say that I am a practicing physician under the laws of Oregon and have practiced my profession for six years in the said State.

I have this day examined one Thomas S. Millikin and find him to be suffering from the following condition:

His right knee cap has the appearance of being pushed outward by some force and produces a limping walk. It is difficult for this man to sit down quickly for

the reason that the right knee pains him when he bends it. The right foot turns slightly outward and there is a slight loss of motion of the right leg. There is an enlarged growth on the internal condyle of the right knee which may, in a manner, affect the bending of the knee. The growth is not natural and probably due to the injury received while in service. The manner of injury of the knee has been described to me by the applicant. His color is sallow and has been for the past two years. He evidently has suffered from malaria to quite a degree at some time owing to the condition of his liver, spleen, and stomach. The liver is enlarged downward at least $1\frac{1}{4}$ inches below its lower normal border and encroaches on his stomach. The spleen can not be outlined owing to the distended condition of his stomach, and his bowels are full of gas (claimant states that his intestinal tract is generally distended). His tongue is thickly coated with a brown coat. The gums are tender and bleed if rubbed, and from the condition of the teeth and gums he must have been salivated at some time. His heart is intermittent and is enlarged to the right. The pulse skips a beat every 20 to 46 beats. There is a mucous discharge from anus and the surrounding border is highly reddened. There is decided evidence of greatly disturbed digestive function from the mouth to the anus. Mr. Milikin evidently was originally afflicted while in the service of the Government in the islands from what I can learn from questioning him as to how and when he was injured and taken sick. He is absolutely unable to earn his living by manual labor owing to his present condition, which will gradually get worse. I know him to have a wife and four children and they depend on his present pension and the aid of his father for their living. The father of this man is able to contribute to his daughter and grandchildren in only a very slight degree. At the present time he has the appearance of one who has a cancer, and owing to the tenderness of and over the stomach and his color he may have a beginning cancer, yet I am unwilling to make such a statement in a positive manner. He may have ulcers, yet I am not positive of that; but that there is a decided disturbance of the digestive tract and his heart is organically affected. There is a roughness over the left lung, the right being normal. There is albumin found on testing the urine.

F. H. VINCIL.

Subscribed and sworn to before me this 22d day of April, 1916.

[SEAL.]

J. A. BUCHANAN,
Notary Public for Oregon.

My commission expires August 30, 1919.

Soldier is 42 years of age, and evidence of neighbors is to the effect that he is a sufferer from stomach trouble and is unable to do manual labor for the support of himself and family.

Your committee report the bill favorably with recommendation for increase of pension to \$17 per month.

S. 2040. William C. Campbell, of Wichita, Kans., enlisted in the Regular Army December 24, 1903, and was assigned to Company E, Eighteenth United States Infantry. He joined his company in the Philippine Islands from Fort McDowell, Cal., May 12, 1904; was transferred December 22, 1904, to Company C, Twenty-second United States Infantry, and was discharged at Fort McDowell, Cal., December 23, 1906, by reason of expiration of service. The records also show that he was treated in the service for acute catarrhal diarrhea, malarial fever, and for disease not incident to service.

On September 17, 1909, soldier applied for pension, alleging that in the Philippine Islands, about September, 1905, he contracted dysentery and malarial fever, caused by change of climate and diet and by exposure. The claim was rejected March 14, 1914, on the ground of no medical or other satisfactory evidence of continuance of malarial poisoning and dysentery each year since date of claimant's discharge and his manifest inability to furnish such evidence.

George S. and Ethel A. Campbell, uncle and cousin, testified in affidavit filed April 8, 1912, that claimant suffered from malaria and complained of headache a great deal between April, 1908, and January, 1910, and was unable to work more than half of time on account of these disabilities. The same witnesses testified in affidavits filed May 28, 1913, that soldier was sound at enlistment; that he was afflicted with dysentery and malaria at the time of his discharge, and has continued to suffer from same ever since his discharge and has not been able to do one-half manual labor.

Mary E. Carr testified, in affidavit filed March 31, 1913, that soldier complained of and suffered from dysentery and malaria at the date of his discharge and as long as she knew him, and was at least one-half disabled.

Charles K. Johnson and John W. Perkins testified, in affidavit filed February 21, 1912, that soldier for the last three years appeared to be suffering from malaria and dysentery.

Dr. P. Follett testified, in affidavit filed March 19, 1912, that during the year 1909 he treated soldier for malaria.

Claimant was examined November 3, 1909, by the Iola, Kans., board of surgeons, who reported as follows:

Dysentery and malarial fever. Liver, tender and some enlarged. The lower border of the liver extends one finger's breadth below the lower border of the last rib. Spleen, tender and slightly enlarged. Contour of abdomen is slightly enlarged; bowels are flatulent; stomach is full and very tender; slightly tender over the whole abdomen, especially so over the right iliac fossæ. Skin is yellow. Conjunctiva is also slightly yellow. Tongue, red and deeply furrowed. Rectum is inflamed and tender; no piles. Rate, 12/18. Has evidence of vicious habits, viz., scars in both groins of bubos. No indications of orchitis or chronic gonorrhea. Heart, lungs, and kidneys are normal.

He was again examined, December 3, 1913, by the Wichita, Kans., board of surgeons, who reported as follows:

This man's general condition from observation looks fairly good. Skin soft and smooth, well nourished. Bones seem to be in normal condition. Heart and lungs normal in every way. Prostate tender and enlarged, both lobes. Inguinal glands, enlarged, both sides. Scar on right side, inguinal, showing an operation. He does not show any further signs of venereal disease. Nasal passages, clear; hair in good condition; kidneys seem to be in normal condition. Rating, 4/18.

In an amended report, dated January 13, 1914, the board stated:

In case of above-named claimant we found no evidence of dysentery or malarial fever, so find no disability from these causes. Stomach, normal; bowels, normal; liver, normal; rectum, normal.

In opinion dated November 8, 1911, the medical referee of the Pension Bureau said:

Malarial poisoning (to cover effects of fever and alleged dysentery) is shown ratable. Vicious habits not a factor.

Claimant is now 38 years of age. In a sworn statement accompanying the bill he declares that he was in good physical condition at enlistment; that because of some disease which he believes he acquired in the Philippine Islands he has not since been an able-bodied man and has not been able to perform real manual labor; that he has no real estate and but little personal property, and by reason of his disability is not able to make a living for himself and family.

Accompanying the bill is the affidavit of Dr. C. C. Keester, who states that upon examination, May 18, 1914, he finds claimant to be suffering from malarial fever, chills, and chronic diarrhea; also severe pain in head, which incapacitate him from doing manual labor for the support of himself and family.

Also the affidavits of neighbors, who state that claimant is not the owner of any real estate and that for three years last past he has not been able to do manual labor and so has been unable to make a living for himself and family.

The committee believe the evidence filed warrants an allowance of \$12 pension to soldier, and so recommend.

S. 2138. William J. La Rock was a private in Company C, First Vermont Volunteer Infantry in the war with Spain; also private in Company A, Forty-third United States Volunteer Infantry. The official records show that he enlisted in the first-named organization May 14, 1898, and was discharged November 4, 1898; that he reenlisted November 13, 1899, and finally and honorably discharged July 5, 1901. The records also show that he was treated in service for malaria, and acute diarrhea, and for disease not incurred in line of duty.

Soldier's claim for pension (No. 1213321), which was first filed December 1, 1898, and renewed March 10, 1904, is based on rheumatism, disease of lungs, varicose veins, and stomach and bowel trouble and resulting rectal trouble, all contracted, so he states, in the military service. The claim for rheumatism was denied after special examination on the ground that the evidence on file failed to establish service origin and continuance from discharge. The claim for disease of bowels was rejected on the ground that the evidence on file failed to establish continuance since discharge and on the further ground of no ratable disability therefrom since filing. The claim for disease of lungs and stomach and varicose veins was rejected on the ground of no record, and that the evidence failed to show origin in service and continuance from discharge, and on the further ground of no ratable disability since filing.

On his examination preliminary to his first discharge, soldier declared that he was suffering from rheumatism in left leg and left arm contracted about August 1, 1898, at Chickamauga Park. The Army surgeon reported as follows: "Complains of rheumatic pains in left leg and arm." On his examination preliminary to his second discharge soldier stated that he was suffering from no disability and the Army surgeon reported that upon physical examination he found no disability. It is in evidence that this examination was entirely perfunctory.

The evidence clearly shows that soldier was sound when he enlisted in the Army, that he was in good bodily health, able to do hard labor, and free from disability. The medical records show that he was treated for malaria and diarrhea, and comrades testified that he suffered from such complaints in the service, and that he complained of and suffered from rheumatism and lung trouble with severe cough, also varicose veins, and was unfit for duty. Continuance of disabilities from discharge has been testified to by a considerable number of witnesses, including physicians, and it seems fairly well established that soldier since his discharge and espe-

cially since his return from the Philippine Islands, has not been in the same good health he was before entering the Army and has been disabled for manual labor about one-half the time.

Soldier, now 46 years of age, was examined by a Pension Bureau board of surgeons as far back as May 18, 1904, when he was rated \$6 on rheumatism, and \$6 on disease of stomach and bowels, and was reported to have been then suffering from slight varicose veins of right leg. No evidence of vicious habits was found and the medical referee of the Pension Bureau held that vicious habits should be eliminated as a factor in the case.

Accompanying the bill is medical and other evidence to the effect that soldier is in poor health and has been so since his discharge, suffering from heart disease, stomach, bowel and rectal trouble, and varicose veins of both limbs, and in no condition for labor; also that he is very poor and without property or other means for the support of himself and family.

The evidence on file seems to be in favor of the claim and your committee report the bill favorably with recommendation for pension at \$12 per month.

S. 2172. Allen Russell, of Manti City, Utah, served from July 24, 1853, to August 26, 1853, as a private in Capt. Standage's Cavalry company, Nauvoo Legion of Utah Volunteers, and while so serving took part in the Utah Indian war.

He is at present in receipt of pension under the Indian war service act of February 19, 1913, at the rate of \$20 per month, certificate No. 6121. He was originally pensioned at \$8 per month under the Indian war acts of July 27, 1892, and June 27, 1902.

It appears, however, that claimant is an old man of 93 years of age, and medical evidence submitted to the committee shows that he is physically unable to care for himself and that he requires the constant attention of a nurse or attendant and that he is almost in the last stages of senile decay. Evidence of neighbors shows that he is in a condition of poverty, having nothing but his pension for his support.

In the light of many precedents your committee report the bill favorably with recommendation for increase of pension to \$30 per month.

S. 2193. Oscar M. Dreibelbiss was a private in Company M, Second Ohio Volunteer Infantry, in the War with Spain; he was enlisted June 23, 1898, and honorably discharged February 10, 1899.

He filed his claim for pension April 11, 1906 (No. 1347555), alleging in his declaration that at Chickamauga Park, Ga., in July, 1898, he contracted malarial poisoning; that in August or September, 1898, he contracted lumbago and catarrh of head and throat. The claim for catarrh of head and throat was rejected in August, 1909, after special examination, on the ground of no record of such complaint in War Department and no other satisfactory evidence to prove service origin and continuance from discharge. The claim for malarial poisoning and lumbago was rejected on the ground of no medical or other satisfactory evidence showing existence at date of discharge and continuance since and claimant's inability to furnish same. The claim for malarial poisoning was also rejected on

the ground that a ratable degree of disability from that complaint had not been shown from date of filing application.

The report from the medical records of the War Department show that soldier was treated October 12 to 17, 1898, for malarial fever; November 21, 1898, to _____, for lumbago. Company muster-out roll shows him reported as sick in quarters October 12 to 17 and November 21 to December 4, 1898, all inclusive, in line of duty. On his examination preliminary to discharge soldier disclaimed any disability or impairment of health, and the Army surgeon reported that on physical examination he found no disability. Soldier avers that the examination at discharge was entirely perfunctory and that he signed the certificate because he wanted to get home and was told that if he did not so sign he would be held for some time in the service.

Comrade Edward Kearns deposed that soldier had catarrh of head and throat about September, 1898, and complained of his back in service; that he saw soldier during the three years following discharge and soldier then had catarrh the same as he had in service.

Comrades Charles E. Munson, Ernest F. Armstrong, and John S. De Witt deposed that soldier was sick in service, but do not recall nature of his ailments.

There is good evidence that soldier was sound and free from disability at and prior to enlistment. Neighbor James Keesler deposed that shortly after his discharged soldier complained of his back; had catarrh and some trouble with his heart. Neighbor Stainfield deposed that soldier complained of being sick all the time during the three years following his discharge and of not being able to work.

Dr. E. Hackedorn testified that he treated soldier in April, 1902, for malarial trouble and some affection of the heart; that the heart trouble was not organic but was from the malarial disease.

Soldier lived in Michigan from early in 1903 to 1907, and it is abundantly proved that he was then in general poor health, was suffering from malaria, catarrh, rheumatism, lumbago, and some functional heart trouble, and at times could not work at all and could not earn a living. Neighbors testify to continuance of disabilities from 1909.

Soldier, now 44 years of age, was officially examined August 15, 1906, by a full board of surgeons, who rated him at \$6 on lumbago, \$6 on disease of heart, and \$2 on catarrh of head and throat.

Medical evidence accompanying the bill shows that soldier is a sufferer from tuberculosis of both lungs, chronic lumbago or muscular rheumatism, weak heart, with intermittent pulse, and is totally disabled for manual labor. Evidence of neighbors shows that soldier is unable to labor, and that he is destitute of property or other means for his support.

The evidence seems to be in favor of the claim and your committee report the bill favorably, with recommendation for pension at \$12 per month.

S. 2237. Edmund G. Thompson was a wagoner in Company D, Thirteenth Regiment Pennsylvania Volunteer Infantry in the War with Spain; he was enlisted April 27, 1898, and discharged March 11, 1899.

On August 20, 1908, he filed claim for pension, which he established to the satisfaction of the Commissioner of Pensions, and he

was pensioned January 29, 1910, by certificate No. 1159018, at \$6 per month for disease of left ear, which originated in the service. On February 21, 1913, he made claim for increase, alleging resulting affection of hearing and teeth. The claim for increase was rejected July 16, 1913, on the ground of no increase in pensioned disability, that deafness was not shown in a ratable degree and that alleged affection of teeth could not be accepted as a result.

Soldier, now 45 years of age, was officially examined April 28, 1913, by Dr. J. H. Rindlaub, expert, of Fargo, N. Dak., who reported as follows:

An examination of the left ear discloses the tympanic membrane and ossicles absent, with a slight foul discharge. With the left ear he hears ordinary conversation from one-half to 1 foot and the watch only on contact. The left eustachian tube is closed.

With the right ear he hears a watch at one-half inch and ordinary conversation at 10 feet. The right eustachian tube is narrow, but can be inflated.

Both lower turbinals are hypertrophied and there is a slight deviation of the septum to the right. There is present a chronic nasopharyngitis with hypermixia.

As to the teeth, with the exception of a slight pyorrhea those that he has now seem to be in a good condition, but the following have been drawn by Dr. F. E. Ball, of this city, within the last 10 days: Left lower wisdom; all but a portion of the root of the upper right first molar; left lower first molar. He also had a lower right molar removed three years ago.

Dr. J. G. Dillon, of Fargo, N. Dak., testifying February 15, 1913, in support of the claim said:

The results of examination are finding the left ear in this condition: Tympanic membrane entirely gone, bones of middle ear exposed, no hearing, open connection from outer ear to throat. Upper and lower teeth on same side being decayed and swelling of jaw by this ear condition.

Accompanying the bill is medical evidence, as follows:

FARGO, N. DAK., January 31, 1917.

To whom it may concern:

This is to certify that Mr. Edmund G. Thompson, of Fargo, N. Dak., has been under our professional care since December 4, 1916, for chronic otorrhea. An examination discloses that the entire auditory canal was occluded by a tumor, which we removed December 8, 1916. Although he has very much improved since that time his ear is still discharging and the hearing is only slightly improved. In fact he only hears a watch on contact and ordinary conversation at from one-half to 1 foot. In our opinion he is justified in looking for only the slightest improvement.

Subscribed and sworn to by me this 31st day of January, 1917.

(Signed) J. H. RINDLAUB.

JANUARY 12, 1918.

The above certificate was given to Mr. Edmund G. Thompson on January 31, 1917. An examination to-day disclosed no improvement in his condition.

J. H. RINDLAUB.

Subscribed and sworn to before me this 12th day of January, A. D. 1918.

[SEAL.]

T. H. McENROE,

Notary Public, Cass County, N. Dak.

My commission expires June 7, 1922.

Other evidence is to the effect that soldier is practically an invalid and unfit for labor; also that he is very poor and has a family dependent upon him for support.

S. Rept. 265, 65-2—3

Your committee report the bill favorably, with recommendation for increase of pension to \$12 per month.

S. 2288. Joseph W. Gay, of Toppenish, Wash., served from October 18, 1855, to May 19, 1856, as a private in Capt. O. Humason's Company B, First Regiment Oregon Mounted Volunteers, and while so serving took part in the Oregon and Washington Territory Indian war.

He is at present in receipt of pension under the act of February 19, 1913, at the rate of \$20 per month. (Certificate No. 4425.) He was originally pensioned at \$8 per month under the Indian war service acts of July 27, 1892, and June 27, 1902. He has received and is receiving all the pension to which entitled under existing laws.

Claimant, however, is about 84 years of age, and medical and other evidence filed with the bill shows that he is feeble and infirm, suffering from rupture and other infirmities incident to old age, and is in such an enfeebled condition that he is absolutely unable to do anything in the way of self-support. He is also shown to be destitute of property or other resources and with no source of income aside from his pension.

In the light of many precedents your committee report the bill favorably, with recommendation for increase of pension to \$30 per month.

S. 2391. Emmett W. Fitzsimmons, of soldiers' and sailors' home, Monte Vista, Colo., served as a private in Company B, Twenty-second New York Volunteer Infantry, in the War with Spain; he was enlisted in May 24, 1898, and honorably discharged November 23, 1898.

On April 29, 1907, he made claim for pension (No. 1359375), alleging that at Fort Slocum, N. Y., about September, 1898, he contracted pulmonary tuberculosis. The claim was rejected in April, 1913, after special examination, on the ground of no record and that the evidence on file fails to establish origin in the service and line of duty or existence at discharge.

On the company muster-out roll soldier is reported as absent without leave July 10 to 12, 1898, and October 11 to 20, 1898. The medical records show him under treatment October 21 and 22, 1898, diagnosis not stated. On his examination preliminary to discharge soldier disclaimed any disability or impairment of health and the Army surgeon reported that he found no disability on physical examination.

Claimant avers that Dr. Grant Richtmyer, who treated him in fall of 1898, before discharge, and again from within 10 days or 2 weeks after discharge, is dead. The death of Dr. Richtmyer is proved and copies of his prescriptions for treatment of soldier in July, 1899, are on file. Claimant states that he kept no copies of earlier prescriptions obtained from the doctor.

Two comrades testified before special examiner that soldier contracted cold in service and was on the sick list; one of them deposed that soldier went around with a flannel around his neck, the other that soldier had a cough, especially of nights and mornings. Both comrades are of good repute. Dr. E. H. Wells, thoroughly reliable, deposed that he examined soldier after discharge and diagnosed incipient tuberculosis; is almost positive this was late in 1898, and that in 1899 he sent soldier to the mountains. It is shown that soldier

went to Saranac Lake, N. Y. (Adirondack region), in May or June, 1899, for pulmonary trouble and that prior to going there he had a hemorrhage, for which no physician was called.

There is good evidence that soldier was sound and free from disability at enlistment, and that he was not in the same good health at discharge and since to the present time, and it is the opinion of the witnesses that the disability originated during soldier's Army service. Medical evidence seems to show beyond dispute that he has had tuberculosis from late in 1898 or early in 1899.

Soldier was medically examined July 3, 1907, by the Middletown (N. Y.) board of surgeons, who rated \$17 on pulmonary tuberculosis.

Medical evidence filed with the bill shows that soldier is now in the hospital at the soldiers and sailors' home, Monte Vista, Colo., suffering from pulmonary tuberculosis, both lungs, also tubercular laryngitis, with nearly total loss of voice, and is permanently disabled. He is 43 years of age and very poor, having no income from any source.

The committee, after careful consideration of all the evidence on file, arrive at the conclusion that soldier's disability is chargeable to the military service and so report the bill favorably with recommendation for pension at \$17 per month.

S. 2424. Charles E. Matthews served as a private in Company A, Twenty-eighth Regiment United States Volunteer Infantry, in the War with Spain; he was enlisted August 17, 1899, and honorably discharged May 1, 1901.

On February 19, 1907, he filed claim for pension (No. 1356857), alleging that in line of duty in the Philippine Islands about June, 1900, he contracted chronic diarrhea, which has resulted in disease of stomach and liver; that he also contracted malaria at same time and place. The claim was rejected June 23, 1910, on the ground of claimant's failure and evident inability to show by medical or other competent testimony continuance of disability since discharge.

The medical records on file in the War Department show treatment of this soldier during service, as follows:

September 10 and 11 and 11 to 15, 1899, acute diarrhea; November 15 to 24, 1899, continued fever, type undetermined; November 23 to December 7, 1899, dengue fever; February 9 to 13, 1900, diarrhea, acute; May 4 and 5, 1900, malarial fever; June 5 to 13 and 25 to 29, 1900, diarrhea, acute; January 12 to 16, 1901, indigestion, acute; March 28, 1901, diagnosis not stated; April 7 to 11, 1901, abscess, slight, dorsal surface, left foot; all sicknesses in line of duty.

On his examination prior to muster out soldier declared that he was suffering from indigestion contracted in December, 1900, at Cagayan, Mindanao Island. His captain reported as follows:

This man was not able to stand the hard marching and wading of rivers and in consequence was detailed for light duty at hospital at Santa Ana, Mindanao.

A board of surgeons, however, reported that on physical examination they found no disability.

Charles B. Williams, comrade, said that soldier was taken ill with fever and dysentery while in the Philippines and was sent to hospital; that he saw soldier again about September, 1902, October, 1904, and September, 1905, and he was on each occasion unable to work on

account of his disability. John J. Barry, comrade, testified practically to same effect.

Soldier was officially examined May 13, 1907, by the Washington (D. C.) board of surgeons, who reported as follows:

Age, 36 years; height, 5 feet 9 $\frac{1}{2}$ inches; weight, 135 pounds. Digestive system: Tongue coated; retains 8 teeth in upper jaw and 10 in lower; liver extends from sixth rib to 1 inch below costal margin and is very tender; spleen extends from the ninth to twelfth rib, not palpable, owing to tenderness about the splenic area; stomach is normal in outline but small in size, palpation over which produces nausea. There is general abdominal tympanites and tenderness, especially over descending colon, which is ribbonlike, and the cecum is found as a large doughy mass and is somewhat tender to palpation. No piles, fissure, nor fistula, but the anal margin is eroded and parts covered with moist feces. Alleges frequent passage of dystenteric movements. Claimant is anemic, slightly cachectic, but not jaundiced; is considerably debilitated. No other evidence of disease nor of malarial poisoning. Rate, twelve-eighteenths.

He was also reported to be suffering from disease of heart, rated at six-eighteenths.

Medical and other evidence filed with the bill is to the effect that soldier is suffering from chronic malarial poisoning, stomach trouble, heart disease, bronchitis, inguinal and umbilical hernia, and varicose veins, and is entirely disabled for performing manual labor. He is 46 years of age, and, as the evidence shows, very poor, having no property or other means for his support.

Your committee report the bill favorably, with recommendation for pension at \$12 per month.

S. 2472. Martha R. Sutton, of Los Angeles, Cal., is the widow of Thomas J. Sutton, who served from September 7 to November 2, 1853, as a private in Capt. John F. Miller's company of Oregon Volunteers, and while so serving took part in the Oregon and Washington Territory Indian War. He also served from August 16 to September 7, 1853, in Capt. William J. Martin's company of Oregon Volunteers.

Soldier died March 8, 1898, and claimant, who married him November 17, 1876, is now in receipt of a pension of \$12 per month under the act of April 19, 1908. (Certificate No. 6322.) She was originally pensioned at \$8 per month under the Indian war-service acts of July 27, 1892, and June 27, 1902. She has received and is receiving all the pension to which she is entitled under existing laws.

Claimant, however, is about 75 years of age, and medical and other evidence filed with the bill shows that she is disabled by ill health and old age and is in such an enfeebled condition that she can do absolutely nothing in the way of self-support. It is also shown that her only property consists of a small home encumbered by mortgage, and that she has no source of income aside from her pension.

Your committee report the bill favorably, with recommendation for increase of pension to \$20 per month, for which we find many precedents.

S. 2492. Hildur M. Phillips, of 100 Murray Street, Newark, N. J., is the widow of George W. Phillips, late chief gunner, with rank of ensign, United States Navy. He enlisted February 15, 1888, and was in the service almost continuously until December 15, 1912, when he died of chronic kidney disease contracted in the line of duty. He

was appointed acting gunner July 20, 1898, promoted to gunner August 7, 1899, and to chief gunner July 20, 1904. He took part in the War with Spain, and he served his country honorably and faithfully in the Navy for about 24 years.

Claimant is now in receipt of a general-law pension of \$15 per month, under certificate No. 763253, with \$2 per month additional on account of each of the sailor's two minor children under the age of 16 years. She married the sailor November 19, 1907, and is 39 years of age.

Evidence filed with the bill shows that claimant is in poor health, resulting from overwork in endeavoring to support her children; also that her only property consists of a vacant lot worth about \$400, and that she has no source of income aside from her pension.

We find numerous precedents for legislation in cases of this character, and your committee report the bill favorably, with recommendation for increase of pension to \$25 per month.

S. 2572. Joseph M. Love, of Somerset, Ky., served as private, corporal, and quartermaster sergeant in Company I, First Kentucky Volunteer Infantry, in the War with Spain; he was enlisted May 13, 1898, and honorably discharged and mustered out February 24, 1899.

Soldier was originally pensioned by certificate No. 1142087 at \$6 per month from November 4, 1901, date of filing application, for disease of feet, which the evidence shows he incurred in line of duty during service in Porto Rico. He was sound at enlistment and has been continuously disabled since discharge. On August 7, 1912, his rate was increased to \$12 per month, which is the pension he is now receiving. He applied for further increase August 26, 1912, and his application was rejected November 13, 1912, on the ground that his present rate was the proper one for the degree of disability from pensioned cause.

Soldier, now 50 years of age, was officially examined by a board of surgeons June 4, 1902, when he was rated \$6 on disease of feet, which is the only disability alleged and proved as of service origin. On his next examination December 4, 1907, he was rated \$8 for disease of feet. Under date of August 7, 1912, a board of surgeons rated soldier \$16 on disease of feet. He was last examined October 2, 1912, and the board reported as follows:

This man is suffering from psoriasis of both ankles; on the right ankle it is in spots, on the back of ankle 1 inch in diameter three spots.

The left ankle is very sore, the psoriasis extends entirely around the ankle in a belt 5 inches wide; the muscles are sore 4 inches above. The belt is scaly and scabby and inflamed and skin cracked. Walks with a stick. No corns or bunions. He complains of a constant itching, some erythema, edema, and eczema. We rate for the psoriasis fifteen-eighteenths. Height, 6 feet 3 inches; weight, 304 pounds.

Accompanying the bill is sworn statement of Dr. G. E. Jasper, who says that he has been treating soldier for some time for disease of feet and ankles; that at times they are ulcerated with considerable edema, which renders him unable to walk without great pain; that affiant considers soldier totally disabled for performing manual labor from the above-named causes.

Also evidence of two witnesses to the effect that soldier was sound at enlistment; that he suffers from disease of feet contracted in serv-

ice, and is three-fourths disabled and at times wholly unable to perform manual labor; also that he is poor and without other income than his pension.

Your committee report the bill favorably with recommendation for increase of pension to \$16 per month.

S. 2586. Leander Thomas served as private, corporal, and cook in Company G, Fourth Kentucky Volunteer Infantry, in the War with Spain; he was enlisted July 9, 1898, and honorably discharged and mustered out February 12, 1899.

On February 4, 1911, he filed claim for pension No. 1394993, alleging in his declaration that at Lexington, Ky., about August, 1898, he contracted heart failure and rheumatism. The claim was rejected May 6, 1911, on the ground that a ratable degree of disability from cause alleged had not been shown since date of filing.

He filed a second claim June 12, 1911, alleging same disabilities, which claim was rejected May 22, 1912, on the ground of the insufficiency of the evidence to prove service origin and existence at and since discharge. Rejection was affirmed on appeal November 21, 1912, and reopening on additional evidence was denied in April, 1915.

The medical records on file in the War Department do not show any disability or treatment of soldier while in the service. When examined prior to muster out he declared that he had heart trouble contracted in August, 1898, at Camp Corbin, Lexington, Ky., from overexertion while drilling. His captain certified that he knew of no disability of soldier at that time, the Army surgeon reported that he found no organic trouble, and a board of surgeons before whom soldier was then examined reported no evidence of any organic disease.

Soldier was officially examined April 5, 1911, by a board of surgeons, who rated him at eight-eighteenths on rheumatism and stated that the action of the heart was fast and irregular like that of a "coffee-heart." He was again examined by a board of surgeons December 6, 1911, when he was rated six-eighteenths on disease of heart and eight-eighteenths on rheumatism.

S. D. Lewis, first lieutenant, and Samuel Thomas, and Abel Pennington, comrades, testified that soldier complained of the diseases while in the service. Lewis said soldier was detailed as a helper in the company kitchen on account of being unable to drill. Thomas, in response to a letter asking him to state all facts known to him personally as to the incurrence of any disease by soldier, said:

While on duty marching he became very hot and had to fall out of ranks and was hauled in our hospital wagon for several days on account of trouble with heart caused by overheat. He laid on damp ground and contracted rheumatism.

Pennington, in response to a similar letter, said he remembered hearing soldier complain of heart trouble, but makes no mention of rheumatism.

P. S. Treadway, comrade, testified that he remembered soldier was excused from drill and detailed to kitchen quarters on account of some disability, but was unable to remember the nature of the disease.

Capt. Morgan J. Treadway testified that soldier was apparently a sound and able-bodied man when he enlisted; that sometime in the month of August, 1898, he was overcome by heat while marching with his regiment on the streets of Lexington, Ky., and fell out of

ranks, threatened with sunstroke; that after this he complained most all the time of heart trouble or some kind of chest trouble and was excused from drill and from guard duty and was assigned to light duty in the company kitchen, where he remained until mustered out.

Lieut. Samuel D. Lewis, again testifying October 8, 1914, said that soldier while in line of duty at Lexington, Ky., about August, 1898, on a general march with his company and regiment, became overheated and complained afterwards of general inability to do manual labor and also complained of rheumatism from that time.

There is some testimony from neighbors as to complaints of the disabilities since discharge. Dr. C. L. Troutman testified:

The said applicant claims I treated him for rheumatism in the years 1901 and 1904. I have no record of such and if I did treat him, I do not remember the dates of such service.

Dr. D. G. Preston, testifying in June, 1911, said he had known claimant one year and treated at various intervals for neuralgic pains over the heart and sciatica in the right hip.

Claimant states that he has also been treated by Drs. Green and Cornelius, who are dead, and by a Dr. Gray who, he says, kept no record and would not make a statement.

Accompanying the bill is affidavit of Dr. W. W. Snead, who says that he has treated soldier off and on since January, 1907, for rheumatism and heart trouble alleged to have been developed during Spanish-American War; that soldier's condition at times becomes such as to prevent him from doing manual labor, sometimes as much as one or two months at a time; that soldier's ability to perform manual labor on an average could be stated as half that of an able-bodied man.

Soldier is 45 years of age, and evidence of neighbors shows that he is poor and without property or other means; that his only support is his manual labor which he has been often unable to perform due, they have understood, to rheumatism and heart trouble.

The committee, in the light of so much testimony favoring the claim, deem it proper to report the bill with recommendations for pension at \$12 per month.

S. 2592. Isaac F. Allen enlisted in the Regular Army May 18, 1908, and served a term of three years as private in Company C, Third United States Infantry, being honorably discharged May 17, 1911. He reenlisted May 21, 1911, in Company L, Third United States Infantry and was discharged as sergeant May 20, 1914. He again enlisted May 21, 1914, in same company and regiment and was discharged May 13, 1915, by purchase, a sergeant.

He made claim for pension July 22, 1915 (No. 1420435), alleging in his declaration that at Jolo, P. I., October, 1909, he contracted disease of stomach, dysentery, and piles; that on march to American Lakes (Wash.) about August, 1909, he contracted pleurisy of right side; that at Madison Barracks, N. Y., in fall of 1913, he contracted bronchitis; that at Fort George Wright, Wash., about July 1, 1909, he suffered sprain of left ankle.

The claim was rejected November 17, 1915, on the ground that a ratable degree of disability had not been shown since filing from disease of stomach, dysentery, piles, pleurisy of right side, bron-

chitis, and sprain of left ankle. Reopening on additional evidence was denied May 9, 1916.

The medical records on file in the War Department show that soldier was treated at different times during service for a number of complaints, namely, acute gastritis, acute myalgia, slight sprain left ankle, dysentery, malarial fever, acute diarrhea, acute tonsillitis, acute bronchitis, acute constipation, and for disease not incident to service.

John Robertson, comrade, testifying September 25, 1915, said he remembered claimant's sustaining sprained ankle at Fort Wright, Wash., latter part of 1908 or early part of 1909, and of his complaining of his ankle; remembers claimant being carried to hospital at American Lake, Wash., in latter part of 1908, and remembers claimant's being confined in post hospital at Jolo, P. I., with dysentery for 2 or 3 months in the earlier part of 1910.

J. W. Dunn, neighbor, testifying March 28, 1916, said that he has seen and been associated with claimant almost daily since his return from the service; that he has noticed claimant's having a cough and complaining of pain in left ankle almost all the time; that he has noticed claimant's limping on his left leg from soreness of ankle at numerous times; that he knows of claimant's having occasional attacks of diarrhea and his complaining of piles and stomach trouble.

Rose Dunn, neighbor, testifying March 28, 1916, said that she has heard claimant complain almost daily of his stomach since his return home; that she knows that he coughs daily and hears him complain of his lungs; that she hears claimant complaining of his left ankle paining him frequently and notices his limping on left leg often; that she knows of claimant's having occasional diarrhea and hears him complaining of piles.

Dr. J. F. Wilder, testifying March 21, 1916, said he finds soldier has some lung trouble, also hemorrhoids and ulcerated rectum; that he finds a tenderness at pit of soldier's stomach and a tongue indicating that he does not digest food; that soldier's left ankle is weak, caused from a sprain; that soldier is disabled for performing manual labor about one-half or three-fourths.

Soldier, now 33 years of age, was examined September 15, 1915, by the London, Ky., board of surgeons, who reported no evidence of sprain of left ankle, or of bronchitis, or pleuresy, and further reported as follows:

Some tenderness over stomach and bowels. Tongue coated. Liver dullness extends downward to lower border eleventh rib in right mid-axillary line and is tender. Spleen slightly enlarged, is palpable and tender.

Rectum congested and two internal hemorrhoids present, about three-eighths inch at base, sensitive, but not ulcerated or bleeding. For disease of stomach (dysentery), three-eighteenths. For piles, three-eighteenths.

Accompanying the bill is affidavit of Dr. J. F. Wilder, of Corbin, Ky., who says that soldier has some lung trouble, also piles and ulcerated rectum which cause occasional diarrhea; that he has stomach trouble and weakened left ankle, which easily and frequently gets dislocated, causing pain and swelling for some days; that he, affiant, has treated soldier for his ankle and for bronchitis, and that he is two-thirds disabled for manual labor. Also corroborative testimony of two neighbors and testimony showing that soldier is poor and without property or income other than from his own labor.

Your committee report the bill favorably with recommendation for pension at \$10 per month.

S. 2744. James M. Fitch was a private and corporal in Troop F, First Illinois Volunteer Cavalry in the War with Spain. He enlisted April 26, 1898, and was honorably discharged November 3, 1898. His claim for pension, No. 1401931, filed March 2, 1912, was rejected July 16, 1914, that portion based on disease of rectum on the ground of no record thereof in the War Department, no medical or other satisfactory evidence showing origin or treatment in service, existence at date of discharge, or continuance since, and said disability was not accepted as a result of diarrhea or malarial poisoning; that portion based on malarial poisoning, disease of stomach, and diarrhea on the ground that the evidence failed to show existence at date of discharge and continuance thereafter of said diseases, and on the further ground that a ratable degree of disability had not been shown therefrom since filing; that portion based on disease of bladder and nervous system on the ground that said disabilities first appeared about six years after discharge, according to claimant's own statements, and were not accepted as results of diarrhea and malarial poisoning of service origin. Disease of bowels was rejected on the ground that said disability was due to spinal trouble not shown as of service origin.

In his application for pension soldier alleged disease of stomach, bowels, and rectum, and disease of bladder and nervous system, resulting from diarrhea and malarial poisoning contracted in service and line of duty. He was granted a furlough of 30 days, from September 6 to October 5, 1898, extended on account of illness to discharge. On examination preliminary to discharge he disclaimed disability, and none was reported by the Army surgeon. It is stated by one comrade, however, that they were given to understand that no one able to stand would be permitted to claim any disability as due to service. A medical certificate on file in the War Department, dated at Sip, Ky., September 30, 1898, shows soldier down with fever and will be unable to report October 5.

There is no evidence that soldier was unsound at enlistment; on the contrary the evidence is conclusive that he was then strong and in good bodily health. The evidence abundantly establishes the fact that he contracted dysentery or diarrhea and malaria in the service, and suffered therefrom while on furlough to his discharge. Comrades testify in support of the claim, and Dr. L. B. Jones swears that he remembers well that soldier was suffering from malarial fever when he came home on furlough in 1898, and he treated him during said attack for fever, and he had also considerable diarrhea; that he remembers he had to write to soldier's commanding officer, so as to get the time extended until he was able to return to the Army; that soldier had also stomach trouble while he had the malarial fever.

Continuance of disability is shown by depositions of neighbors and physicians. Charles A. McGonagle, of high standing and repute, formerly deputy auditor of Post Office Department, said he saw soldier in October, 1898, on his way back from sick furlough; that at that time soldier was emaciated, complexion sallow, and said he had passed through a siege of malaria or typhoid fever and still had diarrhea and weak stomach; that he has been intimately

acquainted with soldier's health since service, and his disabilities of stomach and bowel trouble have continued since 1898. Other neighbors testify to stomach, bowel, and bladder trouble since discharge.

Dr. Edgar A. Shields deposed that soon after he became acquainted with soldier, in fall of 1899, the latter consulted him for treatment for gastrointestinal catarrh, marked by irregular attacks of diarrhea, indigestion, disturbance of bowels and stomach and other symptoms indicating malarial cachexia; that soldier had chronic diarrhea, indigestion, and malarial condition from 1899 on; that he had piles following frequent attacks of diarrhea; that he developed a nervous debility about 1907, with disturbed locomotion, simulating locomotor ataxia, and since 1909 has been an invalid.

Dr. U. G. Poland deposed that he treated soldier from about November 27, 1902, to December 10, 1902; that he had bowel trouble, diarrhea, and also some malarial conditions and disturbance of the entire digestive tract and was in bed for about a week; that soldier gave history of earlier attacks of similar conditions of bowels.

Dr. Hugh A. Cowing deposed that he treated soldier about September, 1903, during an attack of malarial fever verging on typhoid fever, lasting about 10 days or 2 weeks; that soldier gave a history of having had malarial infection in service in War with Spain, also stomach and bowel trouble; that since then soldier has shown failing health.

Dr. William J. Molloy said he treated soldier from October 3, 1908, to February 13, 1909; that soldier was suffering from diarrhea, indigestion, extreme nervousness, loss of weight, emaciation, tenderness over abdomen and bowels, and gave a history of similar conditions while in service, and malarial fever in service; that from 1901 to 1908 affiant noticed some decline in soldier's physique and, while he did not treat him, saw that he was below normal.

Drs. R. M. Nicholson and W. L. Tallman deposed, in April, 1914, that they had treated soldier from July, 1911, for spastic paralysis; that there was no evidence of vicious habits.

Alice Null testified that soldier lived in her house immediately after discharge and that she saw him often after that; that she never considered him a well man since he came out of the Army.

Soldier, now 46 years of age, was examined April 10, 1912, by the Muncie (Ind.) board of surgeons, who rated him \$10 on diarrhea, disease of stomach, bowels, and rectum; \$10 on disease of bladder; and \$17 on disease of nervous system; no evidence of vicious habits.

Accompanying the bill is affidavit of Dr. Edgar A. Shields, who says that he has treated soldier at various times and varying intervals since 1899 for chronic diarrhea and locomotor ataxia; that each attack of chronic diarrhea has been more or less severe, at times confining him to bed; that his locomotor ataxia has been slowly progressive and is now chronic in character; that his ailments have permanently impaired his health to such a degree that he is unable to do any kind of manual labor.

There seems little doubt but that soldier incurred the disability in service, and the committee report the bill favorably with recommendation for pension at \$17 per month.

S. 2763. John Ferris, late seaman, U. S. S. *Ashuelot*, served nearly three years in the United States Navy from his enlistment, July 12, 1881, to his discharge, June 6, 1884.

He filed and established a claim for pension under the general law and is pensioned by certificate No. 4334 at \$17 per month for chronic pleurisy, admitted as of service origin. He was first pensioned at \$4 per month from January 9, 1885; increased to \$8 September 7, 1887; to \$10 February 22, 1888; to \$12 February 6, 1907; and to \$17 April 12, 1911. Claim for further increase was rejected January 11, 1913. His last claim for increase, filed January 20, 1913, was rejected, without medical examination, January 27, 1917, on the ground that the evidence failed to show a degree of disability from pensioned cause equivalent to the loss of a hand or foot for the performance of manual labor; that his condition was due largely to senile degenerative changes.

This man is upward of 83 years of age. He was last officially examined December 4, 1912, by a full board of surgeons, who rated him \$17 on chronic pleurisy and \$8 on general debility. The concluding paragraph of the examining surgeons' report was as follows:

This claimant is disabled from pleurisy, chronic, and general debility in a degree equal to the loss of a hand or foot for the purposes of manual labor and is entitled to \$24 per month.

Another board of surgeons, under date of April 12, 1911, reported as follows:

This claimant is so disabled from chronic pleurisy as to be incapacitated in a degree equivalent to the loss of a hand or foot for the purposes of manual labor and is entitled to \$24 per month.

Accompanying the bill is affidavit of Dr. F. B. Dorsey, who says:

I find he is a male about as age stated; temperature, 98 $\frac{1}{2}$; circulation, 72 to 78; respiration, varying from 24 to 30 per minute; coarse râles heard over major portion of right lung, some also heard over left lung. He is feeble, and walking up a short flight of stairs causes difficult breathing, i. e., labored, and provokes and increases coughing. He weighs 125 pounds with his clothes on, and with his shoes on he is 5 feet 6 $\frac{1}{2}$ inches tall. I have known the said John Ferris for a great many years and his reputation and standing in this community is, as far as I know, good.

Also evidence to the effect that sailor is wholly dependent for his support upon his pension and on help from his one son, who has recently been registered and is subject to draft in the United States Army; that he has a wife dependent upon him for support and he has no property of any kind or character except a small homestead in which he lives and a little household furniture.

Your committee report the bill favorably with recommendation for increase of pension to \$24 per month.

S. 2955. Esther Shields is the former widow of Walter Rogers, who enlisted November 2, 1861, as a private in Company B, First Battalion Connecticut Volunteer Cavalry. He reenlisted November 24, 1862, for balance of unexpired term in Company C, Fourth United States Infantry, and was honorably discharged November 2, 1864. He again enlisted November 22, 1875, in the General Mounted Service, United States Army, and died of sunstroke at Jefferson Barracks, Mo., July 14, 1878.

Claimant married the soldier August 12, 1868. She filed and established a claim for pension under the general law and was pensioned by certificate No. 196403 at \$8 per month from date of soldier's death to August 1, 1884, when she forfeited her pension by remarriage to

one Patrick Redmond. Her second husband died December 5, 1896, and she again married August 28, 1900, to one David J. Shields, who died January 26, 1903, since which date she has remained a widow.

Claimant's application for renewal of pension under the remarried widows' act of March 3, 1901, was rejected for the reason that she was not the wife of soldier during the period of his service in any war. Her application under the act of September 8, 1916, was rejected on the ground that she had contracted more than one marriage since the soldier's death.

Claimant is 70 years of age, and medical evidence accompanying the bill shows that she is an invalid and helpless and confined to her bed and absolutely incapable of doing anything in the way of self-support. It is also in evidence that she is in destitute circumstances, having no property or means of any kind and entirely dependent upon others for support.

She was the wife of the soldier before and during the period of his service in which he came to his death and is again a widow, aged, helpless, and destitute, and your committee are of opinion that she is equitably entitled to renewal of pension at \$20 per month.

S. 2981. Elizabeth K. Cottman is the widow of the late Rear Admiral Vincendon L. Cottman, United States Navy.

Vincendon L. Cottman was born in Louisiana February 13, 1852. He was appointed midshipman in the United States Navy September 25, 1868, and was in active service continuously until February 13, 1914, when he was placed on the retired list. He was promoted through the several grades to the rank of rear admiral, to which he was commissioned from November 7, 1910. A more complete statement of his service is as follows:

Rear Admiral Cottman served creditably on the active list of the Navy for 45 years and 5 months, giving his entire life and time to the service of his country.

Appointed by Hon. James Brooks, seventh district, New York City. Entered Naval Academy September 21, 1868; graduated June 1, 1872; ensign July 15, 1873; master May 9, 1878; lieutenant January 8, 1885; lieutenant commander July 1, 1899; commander June 3, 1902; captain February 8, 1907; rear admiral November 7, 1910; retired February 13, 1914; *Tuscarora* 1872-1875; deep-sea sounding in Pacific; landing party, Panama, 1873; land party, Honolulu, 1874; Samoa with Steinberger, Latrobe, etc., 1875; *Colorado*, receiving ship, New York, 1875-76; *Supply*, training squadron, 1876; *Alliance*, European station, 1877-1880; receiving ship *Colorado*, 1880-81; *Richmond*, Asiatic station, 1881-82; *Monocacy*, Asiatic station, 1882-1884; *Richmond*, Asiatic station, 1884; branch hydrographic office, New York, 1885-1889; New York Nautical School ship *St. Marys* as senior instructor and navigator, 1889; secretary International Marine Conference, State Department, 1889-90; special duty Navy Department, November, 1890, to February, 1891; *Concord*, north Atlantic station, February, 1891-1894; *Marion*, 1894; New York Navy Yard, 1895-96; navigator, *Monterey*, 1897-98; command, *Brutus*, 1898-99, towed *Monterey* to Manila; stationed at Guam, Samoa, and Manila 1900-1902; Bureau of Navigation, 1903-1905; command *Wyoming* 1905; navy yard, Mare Island, 1905-1907; navy yard, Puget Sound, 1907-1909; command *California* 1909-10; navy yard, Puget Sound, as captain of the yard, 1910-1914, commandant.

He was a veteran of the Spanish-American War and of the Philippine campaign, holding medals for each. While a lieutenant he volunteered for command of the vessel to tow the *Monterey* to Manila—got her there ahead of the time scheduled, arriving at a most opportune moment, placing the United States fleet under Admiral Dewey superior to all foreign fleets in the harbor and prevented any further annoyance to the American admiral by the German fleet flag officer.

He served for more than a year in the State Department during the Harrison administration and under Secretary of State James G. Blaine as secretary of the International Marine Conference, at which 28 countries were represented. His services in this capacity were eminently satisfactory.

During his entire service in the Navy he worked for the general efficiency of the service, and if he had any specialty it was in the constant interest in and attention given to every matter relating to enlisted men of the Navy.

His last service on the active list was as commandant of the Puget Sound Navy Yard, when he instituted modern management, working out and adopting a system adaptable to and suitable for navy yards and noted for sound common sense and smoothness of working.

Rear Admiral Cottman died at his home in this city March 16, 1917. His widow applied for pension (No. 1097335) and the claim was fully established so far as she was concerned, but was rejected in July, 1917, on the ground that the officer's death from carcinoma of pancreas and liver with resulting nephritis and uremia is not chargeable to his service on the active list in the United States Navy.

Records of the Navy Department show that Admiral Cottman was under treatment as early as August, 1915, for diabetes mellitus, origin in line of duty and incident to service. The official report as to his death is as follows:

Cause of death: Carcinoma (pancreas and liver). Origin: The officer died while on the retired list, the facts being as follows: He had had symptoms indicative of pancreatic disease for past year and a half, diabetes mellitus having been present during that period of time and possibly longer. He had gastric and intestinal symptoms according to the history of the case prior to being retired. In December, 1916, he became jaundiced and later on the gall bladder became palpable as did also the lower border of the liver. The head of the pancreas was undoubtedly pressing on the common duct. There was probably a secondary involvement of the gall bladder and liver. A severe nephritis also developed. The immediate cause of death was uremia.

Accompanying the bill is the following certificate from Medical Inspector J. B. Dennis, U. S. Navy, one of the surgeons in attendance during the officer's illness and death:

UNITED STATES NAVAL DISPENSARY,
Washington, D. C., October 4, 1917.

To whom it may concern:

I have to state that in my opinion the disease carcinoma of the pancreas, from which Rear Admiral V. L. Cottman, United States Navy, died, was a resultant of diabetes mellitus, from which disease the officer had suffered for about two years previously; the diabetes mellitus was on admission to sick list decided to have been in the line of duty from causes incident to the admiral's long service, in which opinion I fully concur.

Truly, yours,

J. B. DEENLS,
Medical Inspector, United States Navy.

Mrs. Cottman, who is 50 years of age, was married to the deceased officer February 5, 1898, and is left with only a small income of \$50 per month for her support. The following letter addressed to the chairman of the committee by Senator Jones, of Washington, who introduced the bill in the widow's behalf, is of interest in the case:

UNITED STATES SENATE,
Washington, October 6, 1917.

Hon. WILLIAM HUGHES,
*Chairman Committee on Pensions,
United States Senate.*

MY DEAR SENATOR: I have introduced Senate bill No. 2981 granting pension to Mrs. Elizabeth K. Cottman, widow of the late Rear Admiral Cottman, United States Navy. I knew the admiral for several years and know that he had had

a long career in the Navy and rendered magnificent service not only during the Spanish War but during times of peace.

The Pension Bureau rejected the application of Mrs. Cottman on the technical ground of the disability from which Admiral Cottman died did not originate in the service. I think you will find that the reports of hospitals and medical officers prior to his death will indicate very strongly that he did die from a disability incident to his service and that the affidavit of the physician who attended him in his last illness shows this to be the case and that the report upon his final illness does not in truth show the actual facts.

Mrs. Cottman is not physically strong. She has no home, and her sole income is about \$50 per month. I believe that not only her condition but also the admiral's long and distinguished services in the Navy, together with the record as to the cause of his death, fully justifies favorable action upon this bill, and I earnestly hope that this action may be taken.

Very respectfully, yours,

W. L. JONES.

Your committee are of opinion that the long and exceedingly valuable services of Rear Admiral Cottman and the widow's necessitous circumstances, taken in connection with the fact that his death was most probably due to disease resulting from the service, justify the allowance to the widow of the pension of \$50 per month proposed in the bill.

S. 2988. Francis J. Kearney, of Callao, Utah, was a member of Troop B, Third United States Cavalry. He enlisted February 14, 1868, and was discharged February 25, 1871, on certificate of disability, in which his captain stated as follows:

Blacksmith Francis J. Kearney was kicked by a mule on the left side October 15, 1870, and again by a horse November 18, 1870, receiving thereby such serious injuries internally that he has been unable to perform his duties since. This took place at Camp Date Creek, Ariz., at the times specified above, Blacksmith Kearney being on duty with Troop B, Third Cavalry, shoeing the above-described public animals pertaining to the troop.

The surgeon stated as follows:

Enlargement of the spleen, enlargement of splenic artery in connection with serious affection of lower part of left lung, entirely disabling said Kearney to perform the duties of a soldier or to earn a subsistence. I believe the existing disability to have been produced by external violence.

He has a record of treatment in the service for diarrhea and enlarged spleen.

On August 4, 1873, soldier applied for pension and was allowed \$6 per month from date of discharge by certificate No. 128768 for injury to spleen incurred in the service and line of duty. In June, 1877, his pension was reduced to \$4 per month on biennial examination. February 24, 1887, a reissue was made in his case, allowing him pension for injury to spleen and piles at \$8 per month, which was increased to \$10 per month October 4, 1904, to \$12 October 6, 1909, and, finally, to his present rating of \$17 July 1, 1912. Claims for further increase were rejected March 17, 1915, and February 25, 1916. His last claim for increase filed April 27, 1917, was rejected without medical examination May 28, 1917, on the ground that the evidence failed to show a degree of disability from the pensioned causes, injury to spleen and piles, equivalent to the loss of a hand or a foot, for the performance of manual labor; that his condition was due in part to arteriosclerosis and paralysis. Claim for injury of back and left side was rejected February 25, 1916, on the ground of no ratable degree of disability since date of filing; tumor of back not accepted as a result.

This soldier is upwards of 78 years of age. The report of his last medical examination, November 11, 1915, is as follows:

Piles, internal, four. These bleed and protrude when bowels move, about size of marble. Injury of spleen, slightly enlarged. Injury over lumbo-sacral joint, large swelling, not painful, but aches; this has a drawing sensation and causes partial ankylosis; this is adhered to sacro muscle and bones; suspicion of malignancy. Mr. Kearney has within last five years developed a right-sided inguinal hernia. Lump at lumbo-sacral joint due to being trampled upon; hernia due to sneezing.

Mr. Kearney has advanced arteriosclerosis and quite a little angina. Weakness and flabbiness is very marked, probably due to age; arteriosclerosis, inability to remain active on account of back and piles.

Accompanying the bill is affidavit of Dr. J. H. Peck, of Callao, Utah, who says:

I consider him (soldier) of sound mind and must have been at time of enlistment, and that he is now suffering from hypertrophy of prostate, due to arteriosclerosis, and is still suffering from results of an injury incurred while in Army service, namely, deformity due to broken ribs and sternum caused by kicking by a horse.

He is in a general weakened condition and will not, in my opinion, live over a year at the outside.

Neighbors testify that soldier has been bedfast for over a year and almost entirely helpless, suffering from a stroke of paralysis, and is compelled to have a nurse to dress and undress him; that soldier has no property and no income other than his pension.

Your committee report the bill favorably with recommendation for increase of pension to \$30 per month.

S. 3097. Simeon Ely, of Boise, Idaho, served in the Oregon and Washington Territory Indian War as first lieutenant of Capt. Goodall's company of Oregon Volunteers. The rolls show that he served from August 8, 1853, to September 30, 1853; also that he was badly wounded in action with hostile Indians August 17, 1853.

Soldier is at present in receipt of pension under certificate No. 9121 at the rate of \$17 per month for gunshot wound of left hand. It appears, however, that he is 88 years of age and it is shown by medical and other evidence submitted to the committee that he is disabled by ill health and old age, and is in such an enfeebled condition that it is absolutely impossible for him to do any kind of labor for his support. It further appears in the evidence that he is in destitute circumstances, having no property of any kind, not even a home, and no source of income aside from his pension for the support of himself and wife, who is also aged and in poor health.

It is believed proper to give this old man a further measure of relief and the committee report the bill favorably with recommendation for increase of pension to \$30 per month, for which we find many precedents.

S. 3342. John A. D. Tharp, the claimant in this case, enlisted in the United States Navy April 28, 1908, at Atlanta, Ga., for four years as apprentice seaman. He served on the *Constellation* to July 30, 1908; on the *Pennsylvania* to July 12, 1910, and on the *Philadelphia* to August 5, 1910, when discharged on account of physical disability. He served as apprentice seaman to July 29, 1908, as ordinary seaman to April 1, 1910, and as seaman to August 5, 1910. He was 18 years of age, and enlistment and the medical records show that he was

treated July 11, 1909, for "rhinitis chronica, existed prior to and at enlistment. Has marked chronic nasal catarrh and deflected septum"; that he remained under treatment until discharged by medical survey on account of "chronic nasal catarrh, deformed septum, and turbinate bones of the left side."

On January 6, 1914, he filed claim for pension, No. 1412851, alleging in his declaration that while on board the ship *Pennsylvania* in spring of 1910, he contracted anemia and catarrh, which have resulted in pulmonary tuberculosis. The claim for catarrh was rejected on the ground that such complaint existed prior to enlistment. The claim for anemia and pulmonary tuberculosis was rejected on the ground of no record or other satisfactory evidence to prove origin in service and existence at discharge.

Sailor was sound at enlistment, except that he had some slight catarrh, the existence of which was seemingly known only to himself and brother. The great preponderance of the testimony and the record itself show that before service he was an active, healthy young boy, taking part in athletic sports and free from disability, and that this condition continued for about a year after his enlistment.

Your committee find in reports of special examiners of the Pension Bureau good evidence that sailor's health became impaired during the last part of his service; that he became unfit for exercise and duty, lost in flesh and strength, and was troubled with cough. Several shipmates testified to this effect, some of them stating that it was their belief sailor had consumption.

It is equally well established that sailor returned from the service in poor health, suffering from cough and was expectorating considerably. Some time early in 1911 he consulted a physician, who states that he thought sailor's condition was then tubercular. His health continued to fail, and about August, 1913, he entered a sanitarium for consumptives and has been continuously under medical treatment since, most of the time confined to the bed.

Sailor was officially examined June 10, 1914, by a Pension Bureau surgeon, who reported him as totally disabled by reason of pulmonary tuberculosis and unable to labor and just able to dress and undress himself and attend to calls of nature. He is 28 years of age and very poor. In his own behalf he makes the following sworn statement:

To the Senate and House of Representatives of the United States in Congress assembled:

Your petitioner respectfully represents as follows:

That on or about the 28th of April, 1908, he enlisted in the United States Navy and was honorably discharged therefrom August 4, 1910. That he served on board the U. S. S. *Constellation* and the U. S. S. *Pennsylvania*. That while on board the U. S. S. *Pennsylvania* he became run down, emaciated, and anemic, and for several months before his discharge he began to have a cough, which continued and gradually grew worse down to the time of his discharge.

Although he did not know it, he now knows that he was in the incipient stages of tuberculosis.

After his discharge he gradually grew worse, and becoming unable to work at all, and being without means, he entered the Georgia State Sanitarium, remaining for about a year, and then entered the Battle Hill Sanitarium, at Atlanta, Ga., where he has been until recently. The disease is progressive in character, and he is now totally unable to perform any labor whatever, even of the lightest kind. His wife is also suffering from the same disease. While at

the santarium he was a free patient, as he had no income whatever. He is now in the hospital at the National Soldiers' Home, Tenn.

In January, 1914, he applied to the Pension Bureau for a pension, and has furnished a very large amount of evidence from his shipmates showing very clearly his weakened and emaciated and anemic condition and that this cough grew worse until it was ascertained that he was suffering from tuberculosis.

Notwithstanding all of this evidence, the Pension Bureau rejected his claim for pension on the ground that there was no record in the Navy Department of his having been treated for tuberculosis while in the service.

Your petitioner further respectfully represents that although he now knows that he had incipient tuberculosis before his discharge from the service he did not suspect that he was suffering from that disability, and, therefore, made no complaint concerning it, nor asked to be treated for it. Had an examination been made at that time, the germs of the disease would have been discovered and he would have had no difficulty in obtaining his pension.

All the evidence to establish the facts stated above will be found on file in the records of his case in the Pension Bureau, and he does not, therefore, deem it necessary to furnish any further evidence as to his condition while in the Navy or since and also as to his present condition.

As he is without other remedy, he now appeals to Congress to pass a special act in his behalf granting him such a rate of pension as in its wisdom the Congress may think he is entitled.

Respectfully submitted.

J. A. D. THARP.

STATE OF TENNESSEE,

County of Washington, ss:

Subscribed and sworn to before me this 5th day of July, 1917.

[SEAL.]

O. M. EATON, *Notary Public.*

(My commission expires January 19, 1919.)

The salient features of this case as they appear in the evidence are that claimant entered the Navy free from disease, except slight catarrh; that his health became impaired after a year or more of service, and he then suffered from cough and loss of flesh and strength; that he was in poor health at discharge, and so continued until his trouble was pronounced to be tuberculous, by reason of which he is now totally disabled and unable to do any kind of labor for his support. It may also be added that it is the conclusion of the medical authorities of the Pension Bureau that nasopharyngeal catarrh can be eliminated as a probable causative factor of pulmonary tuberculosis.

The committee, being satisfied that sailor's disability is chargeable to the service, report the bill favorably, with recommendation for pension at \$30 per month.

S. 3343. Wesley H. Dick was a private in Company B, Thirty-fifth Regiment Michigan Volunteer Infantry, in the War with Spain; he was enlisted June 6, 1898, and discharged for physical disability December 20, 1898.

He filed and established a claim for pension under the general law, and is pensioned by certificate No. 1050752 at \$12 per month for malarial poisoning and resulting disease of rectum and disease of lungs, which originated in the service. He was first pensioned at \$6 per month from January 9, 1899, increased to \$8 March 9, 1904, and to \$12 December 5, 1906. Claims for further increase were rejected November 10, 1908, and July 11, 1910. His last claim for increase, filed March 29, 1912, was rejected July 1, 1912.

Soldier was last officially examined May 15, 1912, by the Jackson (Mich.) board of surgeons, who reported in part as follows:

We find his permanent disability for manual labor due to pneumonia and malarial fever, with resulting disease of lungs, heart, and rectum, not induced by vicious habits, warranting a rating of 17/18.

Another board of surgeons, under date of June 15, 1910, rated soldier \$12 on malarial poisoning, \$6 on disease of rectum, \$4 on disease of lungs, and \$4 on heart disease.

Accompanying the bill is affidavit of Dr. R. H. Nichols, of Leslie, Mich., who says that soldier suffers from disease of left lung and rectum; that he is also crippled from rheumatism and is unable to do manual labor, and is under the doctor's care a great deal of the time. He is 52 years of age and very poor and without property and with a family dependent upon him for support.

On account of disabilities contracted in service your committee report the bill favorably, with recommendation for increase of pension to \$17 per month.

S. 3424. Julia Burger is the widow of Peter Burger, who served five years, from October 23, 1854, to October 23, 1859, as a private in Company F, Fifth United States Infantry, and while so serving took part in the Florida Seminole Indian War.

Soldier died April 16, 1903, and claimant, who was married to him August 29, 1898, is now receiving a pension of \$12 per month. (Certificate No. 6987.) She was originally pensioned at \$8 per month under the Indian war service acts of July 27, 1892, and June 27, 1902.

It appears, however, that she is 67 years of age, and medical evidence submitted to the committee shows that she is a sufferer from rheumatism, varicose veins, and other bodily infirmities, and is entirely disabled for any kind of work to earn a livelihood. It also appears in the evidence that she is in poor circumstances financially, that the small amount of property she has yields her little or no income, and that she is almost entirely dépendent upon her pension for support.

Your committee report the bill favorably with recommendation for increase of pension to \$20 per month.

S. 3500. Leander Johnston was a member of Company I, First Regiment United States Infantry, War with Spain. He enlisted March 28, 1899, and was discharged April 22, 1902, having served three years.

He was pensioned by certificate No. 1100224 at \$6 per month from July 7, 1902, date of application; subsequently this was increased to \$10 and then to \$17 for chronic diarrhea and resulting disease of rectum, which originated in the service.

Soldier, who is 53 years of age, was last officially examined November 15, 1916, by a full board of surgeons, who report in part as follows:

This claimant is so disabled from chronic diarrhea and resulting disease of rectum as to be incapacitated in a degree equivalent to the loss of a hand or foot for the purposes of manual labor and is entitled to \$24 per month.

Dr. W. H. Bramlin testified, in affidavit filed October 21, 1916, that soldier, as a result of chronic diarrhea and resulting disease of rectum, was disabled to the extent of three-fourths for the performance

of ordinary labor. Medical evidence filed with the committee is to the effect that soldier is a sufferer from rheumatism, disease of heart, disease of stomach, chronic diarrhea, piles, disease of kidneys and bladder, and nasal catarrh and is totally disabled for the performance of manual labor. Other evidence shows that soldier is unable to labor and that he is very poor and dependent upon his pension for the support of himself and family.

The evidence seems to be in favor of soldier's right to more pension, and the committee report the bill favorably with recommendation for increase of pension to \$24 per month.

S. 3591. Laura C. Slack is the widow of William B. Slack, late second lieutenant in the United States Marine Corps. He was commissioned May 12, 1869, and was in the service continuously until September 27, 1874, when he died at Pensacola, Fla., of yellow fever, contracted in the line of duty.

Claimant filed and established a claim for pension under the general law and is pensioned by certificate No. 2048 at \$15 per month, which is the highest rate she can obtain from the Pension Bureau. She married the deceased officer March 23, 1869, and is about 70 years of age.

Evidence accompanying the bill shows that the widow is a sufferer from chronic heart disease and is in poor health and physically unable to earn a living; also that she is in necessitous circumstances, having no means of support aside from her small pension.

Your committee report the bill favorably with recommendation for increase of pension to \$25 per month.

Your committee report the bill favorably and recommend that it pass.



