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69TH CONGRESS }
1st Session }

HOUSE OF REPRESENTATIVES

{ REPORT
No. 117

PENSIONS AND INCREASE OF PENSIONS FOR CERTAIN SOLDIERS AND SAILORS OF THE REGULAR ARMY AND NAVY, ETC.

JANUARY 18, 1926.—Committed to the Committee of the Whole House and
ordered to be printed

Mr. KNUTSON, from the Committee on Pensions, submitted the
the following

REPORT

[To accompany H. R. 7906]

The Committee on Pensions, to whom was referred sundry bills
granting pensions and increase of pensions for certain soldiers and
sailors of the Regular Army and Navy, their widows, etc., submit the
following report:

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

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|----------------------------|---------------------------------|
| H. R. 501. Edward P. Coan. | H. R. 1121. Annie Donaldson. |
| 536. Loreziar Walton. | 1144. Leonard Merical. |
| 540. Reuben Waller. | 1180. James M. Burns. |
| 541. Clarence E. West. | 1181. Mortimer H. Cadwell. |
| 543. Clarence L. Wimer. | 1222. Sanford S. See. |
| 583. Walter S. Reynolds. | 1301. Elizabeth F. Hampton. |
| 598. Frederick L. Eagle. | 1311. Henry L. Wiessner. |
| 618. Margaret C. Cooper. | 1312. Kate McGhehey. |
| 619. Josephine M. Hayes. | 1335. Silas Rogers. |
| 649. Sarah A. Evans. | 1428. Frederick Sholes. |
| 681. Jennie E. Buckley. | 1461. Lester Swanberg. |
| 687. Cornelia H. Clopton. | 1484. Clara R. Wilson. |
| 732. James Burke. | 1646. Jesse T. Talmadge. |
| 735. John G. DeCamp. | 1655. Charles L. Berkheimer. |
| 744. James H. Jevens. | 1702. Charles M. McDonald. |
| 746. Henry Juvenile. | 1739. John R. Sharp. |
| 760. John M. Stephens. | 1781. Samuel Andrew. |
| 809. Carrie Miller. | 1783. Susan A. Bankston. |
| 833. Mary A. Donaghy. | 1784. William Thomas Bond. |
| 904. Martin Fluegel. | 1789. Caroline de Witt Flagler. |
| 943. William Lanier. | 1836. John G. Schempp. |
| 972. John Dudley. | 1910. Henry B. Schenck. |
| 1049. Helena Bunt. | 1911. Egidius J. Fehr. |
| 1050. John E. Hanson. | 1974. Archie McDonald. |
| 1051. Paulinus G. Huhn. | 1978. Albert S. Riddle. |
| 1070. Earnest L. Logan. | 2059. Mary A. Wray. |

H. R. 2060. Joe H. Ross.	H. R. 3276. William C. Donlevy.
2061. James M. Cawood.	3297. Lee Byrd.
2062. Bige Hubbard.	3343. Edith L. Quick.
2063. Isaac Townsend.	3391. Charles N. Cannon.
2064. Esther Meece.	3404. Nancy A. Sumner.
2065. Laura Hendrickson.	3429. Mary C. Allen.
2066. Edward Hail.	3441. Bert Myers.
2075. Benjamin F. Johnson.	3534. Louisa W. Henderson.
2077. Granville Burns.	3541. James B. Bently.
2078. Robert L. McFarland.	3599. Leo Pope Ott.
2244. Emma J. Mason.	3630. William H. Cole.
2246. Benjamin F. Doxtater.	3631. Eugene A. Rentz.
2274. Laura G. Weisenburger.	3634. Asa C. Pieratt.
2292. James A. J. Yokum.	3635. Frank M. Griffin.
2293. Katharina Sparks.	3644. Abijah Eversole.
2296. Hattie A. Cruson.	4161. Antonio Alberto Madero.
2298. Hezekiah C. Cotner.	4353. Rufus W. Jones.
2321. Sarah E. Smith.	4354. Conrad Nagel.
2353. Seth S. Crosby.	4408. Arria S. Sargent.
2392. George W. Pinion.	4421. Ella M. Shaffer.
2552. Allen F. McAfee.	4613. Hester P. Hart.
2569. Mary K. Stegle.	4854. Linna L. White.
2577. Mary Elizabeth Carson.	4886. Crawford Blair.
2743. Roy Elrod.	5136. Emma Meckel.
2747. Noah H. Stout.	5307. Minnie Wolfe.
2772. Calvin R. White.	5432. Bridget M. McCarty.
2817. Susie Elgretta Henderson.	5452. Edward J. McCauley.
2863. Percy H. Allen.	5656. Thomas E. Whalen.
2864. Robert L. Chick.	5668. William T. Hedges.
2913. William B. Walker.	5736. John Shannon.
2914. Mary E. Gilland.	5889. William S. McGaha.
2929. Edward McCloskey.	5890. I. J. Howard.
2967. Thomas H. Stubbs.	5891. Mary P. McIntire.
3072. Ralph Lotz.	5894. Jane C. Stinnett.
3077. Willard L. Anthony.	6845. Bartlett Sharp.
3208. Albert M. Vance.	7646. Laura Smith.

H. R. 501. Edward P. Coan, 420 Harris Avenue, Providence, R. I., aged 58 years, served for over 30 days during the Sioux Indian campaign in South Dakota in 1890 and 1891. He served in Companies H and I, Twelfth Regiment United States Infantry, as Edward Coan, from June 15, 1888, to May 4, 1891, when honorably discharged. He was temporarily attached to Company G, same regiment and with that company served in the field in connection with the Indian campaign above named for at least 30 days. (I. W. S. Orig. 19280.)

The soldier's claim under the Indian war act of March 4, 1917, was rejected August 16, 1923, on the ground that his service in the Sioux campaign in South Dakota in 1890 and 1891 was for less than 30 days.

This action of rejection is not now tenable, for the reason that The Adjutant General of the War Department, in a letter addressed to this committee states that their report to the Commissioner of Pensions was wrong and upon reconsideration of the case the soldier is believed to have served at least 30 days in the campaign mentioned in South Dakota.

However, as the claimant is 59 years of age and not 62 years, as required by the act of March 4, 1917, he has no title at this time to pension under the act of March 4, 1917.

Witnesses state that claimant has no property or income and is one-half incapacitated for earning his support by manual labor by

reason of rheumatism and piles; that for long periods of time he is confined with said disabilities. His family physician states as follows:

That he is a practicing physician and has been acquainted with the above-named soldier for about 15 years.

I have treated claimant on and off for the past 10 years for rheumatism, internal piles, and general debility. He does not seem to have any comeback. He is not able to do manual labor and in my opinion never will be. He is one-half incapacitated and it is only a short time before he will be totally incapacitated.

At present time rheumatic pain over dorsal vertebrae and both knees. He has arteriosclerosis and has a blood pressure of 180.

He further declares that he has been a practitioner of medicine for 32 years.

JOSEPH M. BENNETT, M. D.

It is believed that the claimant should be granted a pension of \$20 per month and it is so recommended.

H. R. 536. Loreziar Walton, Pineville, La., claims as widow of Charles Allen, who served under the name of Percy Walton, in Company C, Eleventh Regiment United States Infantry, from August 24, 1870, to August 24, 1875, and from October 12, 1875, to June 16, 1877, when honorably discharged, and who the records of the War Department show served for over 30 days in the campaign against the Northern Cheyenne and Sioux Indians in 1876 and 1877. (I. W. W. O. 15486.)

In 1892 claimant filed an application under the act of June 27, 1890, in which she stated that the soldier had died in the Custer massacre in 1877, which, of course, was an error. This claim was rejected because soldier did not serve during the Civil War. Then in February, 1896, a claim under the general law was filed by one Charlotte Allen, living in Massachusetts, who alleged and proved a marriage to the soldier July 14, 1889.

The claims were sent to the field for special examination after which the claim of Charlotte was rejected because of her inability to show divorce of soldier from his first wife, Loreziar (our claimant), to whom he was married October 22, 1876.

Then in January, 1903, the claimant Loreziar filed a claim under the general law which was rejected in October, 1905, because soldier's death was not shown to have been due to his service.

In June, 1921, this claimant filed a claim under the Indian war act of March 4, 1917, which was rejected March 24, 1922, on the ground that the claimant was unable to furnish satisfactory evidence to show that she was soldier's legal widow as she could not prove death or divorce of her former husband, one Clifton.

It is shown by record evidence that the claimant was married to the soldier in Cameron County, Tex., October 22, 1876, while he was in the service. He married her under the name of Percy Walton under which he was serving, and there is no evidence to show he had ever been previously married.

It is shown, however, that claimant had been previously married to one Israel, or Carroll Clifton in 1867, and she testified before the special examiner that he died soon after her marriage to him and was buried in Union Cemetery at Pineville, La. She, however, was unable to furnish any evidence of his death and none could be obtained on the special examination. Neither was there any evidence obtained to show that said Clifton was alive when claimant was married to the soldier.

Claimant stated, on special examination, that she had been married to soldier at one time prior to the marriage of record, but there is no proof of this. She also testified before the special examiner that the next day after the marriage in Texas soldier left Brownsville with his command and that she never saw him again. He evidently deserted claimant and never returned to her and it is in evidence that after his discharge in 1877, he returned "East" and married three times, the last time to Charlotte Lunt, who survived him and who filed the contesting claim.

It is shown that the soldier died February 8, 1896, and that claimant had not remarried and she has since stated several times that she has not remarried and there is nothing to indicate that she has.

She is now about 80 years of age, and shown to be physically unable to work, that she has no property or income and no children to help her.

This claimant has shown a ceremonial marriage to the soldier, and it is not shown that her former husband, Clifton, was alive at the time, and the committee is of the opinion that she is entitled to the legal presumption that her marriage was a lawful one and should be recognized as soldier's legal widow, notwithstanding the fact that soldier deserted her and did not return to her after discharge.

Several pictures of claimant in her shack of a home have been filed with the bill.

It is recommended that claimant be granted a pension of \$12 per month.

While it appears that soldier's true name was Charles Allen, he married claimant under the name of Percy Walton and she is known as Mrs. Walton, it is suggested that she be pensioned under that name.

The other claimant Charlotte has not filed any claim under the Indian war act and it does not appear that she has been heard from for years. Claimant's first husband from all the evidence was not an enlisted man.

H. R. 540. Reuben Waller, Eldorado, Kans., served in the Regular Establishment, Troop H, Tenth Regiment United States Cavalry, from July 16, 1867, to July 16, 1872, when honorably discharged. (Inv. Ctf. 540173.)

He was first pensioned under the general law at \$6 per month from November 12, 1888, increased to \$17 per month in 1892, and to \$24 in 1896. This pension was for rheumatism and resulting disease of heart, which originated in the service.

By a special act of Congress approved July 11, 1918, his pension was increased to \$30 per month.

It is now suggested that the soldier's pension be increased to \$72 per month.

Claimant is about 80 years of age.

The evidence filed with this bill shows that he is wholly unable to perform manual labor by reason of pensioned causes and advanced age; also that he is poor, and that he has nothing but a small five-room house.

In view of the soldier's advanced age, his poor financial and physical condition, and that his disabilities are to a great extent due to his military service, your committee recommends that his pension be increased to \$40 per month.

H. R. 541. Clarence E. West, alias Earl West, 1412 East Morris Street, Wichita, Kans., served during the war with Spain, in Company M, Forty-ninth Regiment Iowa Infantry, from May 2, 1898, to May 13, 1899, when honorably discharged. (Inv. Cert. 1181790.)

The records of the War Department show no treatment in service.

Claims under the general law have been rejected because soldier was unable to connect his alleged disabilities with his service.

He is now pensioned under the act of June 5, 1920, at \$30 per month, the maximum rate.

He states that he is 44 years of age, and that he has an equity of \$1,200 in his residence, the value of the property being about \$2,500, and has had no income for a year or more, and his witnesses substantially corroborate him and state he is unable to perform manual labor, from a gunshot wound.

A physician testifies that he has been suffering from gunshot wound in his right lower limb at ankle and is unable to perform labor.

Another physician, Dr. R. M. Gouldner, testifies as follows:

To whom it may concern:

Mr. Clarence E. West, 1412 East Morris Street, Wichita, Kans., has been under my professional care for an old chronic osteomyelitis of the right ankle and is being treated at the present time, three times a week. Mr. West is being attended by his wife at his home.

R. M. GOULDNER, M. D.

MARCH 7, 1924.

Claimant's wife testifies as follows:

I wish to say that my husband has not been able to work for a year or more, due to his disability from a gunshot wound and tuberculosis, making it impossible for him to support his family without my assistance, as he is unable to stand on his feet any length of time.

I have attended him during this time and the only financial aid we have had is through our daughter, who is 17 years old. Her salary is \$15 per week, and as she has been in the hospital recently and with that obligation to be paid it makes it impossible for her to give us very little assistance.

My husband has to sit with his foot elevated most of the time. There is a constant drainage from the foot, which needs my personal attention; and as I have the care of him it is impossible for me to leave home and work.

Mrs. C. E. WEST.

MARCH 7, 1924.

Other witnesses testify to claimant's inability to work.

A statement numerously signed by Spanish-American War veterans of Wichita, Kans., has been filed stating soldier is suffering from total disabilities the past year, and has had the aid and assistance of his family.

Soldier was examined by a board of surgeons September 26, 1922, whose report is as follows:

Age, 43 years; height, 5 feet 10 inches; weight, 133 pounds; pulse rate, 85-90—can not exercise; respiration, 24-26—can not exercise; temperature, 98.6.

The left lung has an active lesion at the upper apex; right lung has moist râles in upper portion. There is cough and expectoration, with night sweats. There is a record of positive T. B. sputum.

Right leg: There is a scar 1 inch above the ankle of an old gunshot wound. There is a fresh scar 1 inch above the ankle extending down to the heel where a drainage operation was done two months ago. The ankle is completely ankylosed and the knee is one-fourth ankylosed. There is an arthritis of the hip joint on same side. Applicant can manage to get around by the aid of a cane, and that is all.

The heart and kidneys are negative, not due to vicious habits.

Total disability is recommended.

Soldier it appears has a wife but no small children.

Your committee upon the above report rejected the bill for increase last session.

The claimant now requests a reconsideration of his claim and has furnished additional evidence showing that his right leg at the middle third of the leg was amputated October 30, 1924.

The doctor's affidavit relative to the soldier's condition is as follows:

That he is a practicing physician, and has been acquainted with the above-named soldier for about five and one-half years, and that said Clarence E. West presented himself for treatment at hospital National Military Home, Kans., for a chronic perforating ulcer of right heel. An X-ray picture was taken of this area and showed rare fraction in posterior end of os calcis (heel bone of the tarsus). Diagnosis of chronic asteritis was made. Said Clarence E. West was treated until August 19, 1924, with slight improvement of ulcer but no tendency to heal was shown.

The patient left the hospital and returned October 15, 1924. The ulcer had shown no tendency to heal and was very painful. A cauliflower-like appearance was noted at the edges of the ulcer. After due consultation and realizing that healing could not be obtained, that constant hospital treatment would be required, and further that the ulcer appeared to be undergoing a malignant change, it was determined at the urgent request of the patient to amputate at the middle third of the leg, which was done October 30, 1924. This has healed completely, the patient is now able to walk about with crutches and will soon be able to use an artificial leg.

There is no evidence of vicious habits or the use of alcohol or narcotics. A Wassermann blood reaction, June 26, 1924, was negative.

[SEAL.]

ROBERT CONARD,
Major Surgeon Western Branch,
National Home for Disabled Volunteer Soldiers.

DECEMBER 8, 1924.

Soldier claims that the injury finally resulting in the amputation of his leg was incurred prior to his enlistment and while out hunting; that his shotgun went off and the discharge penetrated his right leg and ankle. Soldier also claims that he has tuberculosis. The Pension Bureau allowed claimant a pension of \$30 per month under the act of June 5, 1920.

An increase of pension to \$50 per month is recommended.

H. R. 543. Clarence L. Wimer, Geuda Springs, Kans.

Claimant was granted a pension of \$12 per month by special act July 3, 1918. This pension was increased to \$24 per month by special act approved March 3, 1921, said action being based on the following report:

H. R. 4901. Clarence L. Wimer, Geuda Springs, Kans., served in Company A, Signal Corps, United States Army, Regular Establishment, from December 16, 1907, to December 15, 1910. He had a prior service in the Sixty-eighth Company, United States Coast Artillery Corps, from March 9, 1904, to March 8, 1907, both services honorable. (Ctf. 1180385.)

The records of the War Department show that he was treated during his services for laryngitis, fistula, left varicocele, cystitis, and other minor troubles, also for a disability not due to service and line of duty. He was examined by a board of surgeons in 1914, who gave a rate of \$30 per month for sclerosis.

An examination in 1918 confirmed the examination of 1914. The disability could not be connected with vicious habits by the medical authorities.

A claim for pension was rejected by the bureau on the ground that the alleged disabilities, including sclerosis, could not be connected with the service by competent testimony. Congress passed a special act in 1918 allowing claimant \$12 per month and thereby accepted his condition as being due to service.

The following evidence is filed in support of the bill for increase of pension:

GEUDA SPRINGS, KANS., *June 19, 1919.*Hon. W. A. AYRES,
Washington, D. C.

MY DEAR SIR: Your letter of the 16th instant to Mr. C. L. Wimer has just been read by me, and in answer thereto would state that at the time original pension was issued to Mr. Wimer I would class him in the impotent class; since that time he has been constantly growing worse until at the present time, to use plain language that the ordinary layman would understand, I would class him in the same state of helplessness as a 6 months old baby. His condition is constantly growing worse, and it is my candid opinion that he has not long to live, and I would not be at all surprised if this limit would be within the years.

It is my honest opinion that the committee should approve this bill, as he in an endless charge to his wife, who is trying to take care of him as well as make the living.

Respectfully yours,

J. H. STALLARD, M. D.

GEUDA SPRINGS, KANS., *June 19, 1919.*Hon. W. A. AYRES,
House of Representatives, Washington, D. C.

FRIEND WILLIAM: Our mutual friend, Wimer, just informs me that you have introduced a bill in the House providing for an increase in the pension he is already receiving.

It is my assumption that the main issue in this matter will be thrashed out with the committee, and I hereby authorize you to state to them that it is my honest opinion that Wimer is entitled to the increase asked for. At the present time he is an endless charge to his wife. She not only has him to take care of and dress as she would a baby but also has the living to make.

I am sure there is not a member on the committee who would refuse to grant this increase if they knew the conditions in the Wimer family as I do.

With best wishes, I remain, your truly,

C. C. WOODSIDE.

CITIZENS' STATE BANK,
*Geuda Springs, Kans., June 18, 1919.*Hon. W. A. AYRES,
Washington, D. C.

MY DEAR FRIEND: We are informed that you have presented a bill in the House for an increase in the pension of Mr. Clarence Wimer, of this place, and we wish to say that the same meets with our approval. Mr. Wimer is a helpless paralytic and, as we are informed, has but a short time to live.

Anything you can do toward insuring the passage of this bill will surely be appreciated by those who know Mr. Wimer.

Again thanking you for your consideration, I remain,

Respectfully yours,

A. A. MCFALL, *Cashier.*GUEDA SPRINGS, KANS., *June 19, 1919.*Hon. W. A. AYRES,
House of Representatives, Washington, D. C.

MY DEAR SIR: Being advised that your House Committee on Pensions have before them a bill for the increase of the pension of Clarence Wimer, I wish to bespeak their consideration and ask you to bring before them a few of the facts in the Wimer household as I know them to exist, viz:

C. L. Wimer is a hopeless paralytic, whose condition is constantly growing worse. Lately his condition has become so bad that at the present time he has no control of his lower bowels and musses himself like a baby. He has no power of locomotion and has to be lifted around and served with his meals.

His wife clerks in a grocery store and does the housework and washing each morning before going to her work; and she deserves great credit, for it is not one woman in a thousand that would care for him as she does or even live with him. The little increase that he is asking for would certainly help the woman out at least.

Thanking you for anything you can do to help them along, I remain,

Very truly,

W. J. KING.

STATE OF KANSAS,
Sumner County:

Personally appeared before me, the subscriber, a notary public in and for said county, each of the undersigned, who, being first duly sworn according to law, did depose and say that the statements set forth in the attached letters over their respective signatures are true and correct, and that the said Clarence L. Wimer is personally known to them.

And further they saith not.

J. J. STALLARD.
C. C. WOODSIDE.
A. A. McFALL.
W. J. KING.

Sworn to and subscribed before me this 19th day of July, 1919.

[SEAL.]

T. C. BEERY, *Notary Public*.

My commission expires November 20, 1920.

We, your committee, after a careful consideration of the facts set forth in the case, conclude that an increase in pension from \$12 per month to \$24 per month is warranted, and it is so recommended.

Claimant is 41 years of age. The evidence filed with this bill shows that he is an invalid, paralyzed from his hips down, and confined to a wheel chair. Claimant has no property or income other than his pension.

The allowance of increase of pension to the rate of \$30 per month is recommended.

H. R. 583. Walter S. Reynolds, San Joaquin, Calif., served during certain Indian wars, in Company I, Nineteenth Regiment Kansas Cavalry, from October 17, 1868, to April 18, 1869, when honorably discharged. (Indian War Serv. Ctf. 7248.)

Soldier is now pensioned under the act of March 4, 1917, at a rate of \$20 per month on account of Indian war service.

He is 73 years of age and without property or income other than his pension and is unable to work. A physician testifies that he has lived near him since 1905 and has been his doctor for the past year, and that he is under his care now, and that he has not been able to work at all since December, 1923, on account of his kidneys being affected; that he is diabetic.

An increase of pension at the rate of \$30 per month is recommended.

H. R. 598. Frederick L. Eagle, 506 Victoria Avenue, Hampton, Va., served during the war with Spain in Company B, Tenth Regiment United States Infantry, from July 9, 1895, to July 8, 1898, when honorably discharged. (Inv. Orig. 1454688.)

Claim under the Spanish war act of June 5, 1920, has been rejected because soldier did not have 90 days of service during the war with Spain.

He was in the service when the war began, April 21, 1898, but was discharged 79 days thereafter, thus lacking 11 days of the required 90 days' service during the war.

He claims that he did not again enlist because the war was about over and that he was not requested to do so. He also stated that he participated in the battles in front of Santiago, Cuba.

The Adjutant General, War Department, reported as follows relative to the soldier:

Discharged as private July 8, 1898, at camp near Santiago, Cuba, by reason of expiration of enlistment. Character very good.

The records show that this soldier was present for duty with his company from May 1 to July 8, 1898. The company left the United States June 13, 1898, and arrived at Siboney, Cuba, June 25, 1898, where it remained until June 30. It participated in the battles in front of Santiago, Cuba, from July 1 to 17, 1898, after which it went into camp in the vicinity of Santiago. It is presumed that the soldier participated in the battles mentioned up to about July 8, 1898.

The claimant is 51 years of age, and his left forearm has been amputated, due to a planing mill accident in 1901, and he has hemorrhoids also, and one of his legs is shorter than the other. It is shown by the evidence that he owns no real estate and only a few hundred dollars' worth of personalty. His income is \$1,200 per year. He is a clerk. He has a wife and two children dependent upon him; also a stepson who is learning a trade and unable to pay board.

While soldier was in the service three years, he had only 79 days' service during the war with Spain. However, his is shown to have been actively engaged in battles during that war and rendered as much, if not more, real service than many who are now pensioned under the act of June 5, 1920. He was discharged in Cuba, and should be allowed some time for his return to the States.

A pension of \$12 per month is recommended.

H. R. 618. Margaret C. Cooper, 11 Young Street, Newport, R. I., is the widow of Raymond S. Cooper, who served in the Regular Establishment during no war as seaman in the United States Navy from May 3, 1909, to December 20, 1912, when he was honorably discharged on account of having contracted tuberculosis in the service. (Wid. Cert. 831698.)

The sailor was pensioned under the general law at \$30 per month. He died January 30, 1917, of pulmonary tuberculosis and claimant, his widow, was granted a pension of \$12 per month, with \$2 additional for each of the sailor's two minor children under 16 years of age. This is the maximum rate of pension allowed widows of enlisted men who did not serve in any war but died of disabilities due to their service.

Claimant was married to the sailor May 7, 1912.

It is shown by the evidence that she is 33 years of age, has no property or income other than her pension, that she lives with her mother, and is 50 per cent incapacitated to earn a support by reason of gall bladder trouble, bronchial asthma, and backache due to displacement of her uterus. She has two children considerably under 16 years of age to support, and when she is able to work earns not more than \$6 per week.

It is recommended that the claimant be granted an increase of pension to \$20 per month and the continuance of the \$2 per month for each of the sailor's minor children until they reach the age of 16 years.

H. R. 619. Josephine M. Hayes, Paradise Avenue, Newport, R. I., is the widow of Avery W. Hayes, who served in the Regular Establishment, as bandmaster in the United States Navy from July 26, 1881, to April 29, 1882, when he died in the service. (Wid. Cert. 3030.)

The official records show that the claimant's husband died of cerebrospinal meningitis due to exposure in the service.

The claimant is pensioned under the general law at the rate of \$12 per month, the maximum rate of pension allowed this class of cases under the law.

She was married to the sailor June 8, 1874.

The evidence filed with your committee shows that the claimant has no property or income other than her small pension and \$150 annually contributed by her only daughter. She is 76 years of age, and a physician states that she is wholly and permanently unable to perform any kind of manual labor on account of almost total deafness, arteriosclerosis, heart trouble, and vertigo.

An increase of pension to \$20 per month is believed to be fully warranted and is so recommended.

H. R. 649. Sarah A. Evans, 323 North Carolina Avenue SE., Washington, D. C., is the widow of Thomas C. Evans, who served during the war with Mexico as a drummer in the Marine Corps, United States Navy, from June 9, 1843, to October 1, 1853. He had subsequent service during the Civil War as first lieutenant in Company A, Fifty-first Regiment Pennsylvania Militia, from July 3, to September 2, 1863. (Mexican War Wid. Cert. 7757.)

The soldier and claimant were married September 30, 1876. He died July 20, 1891. She has been pensioned as his widow since the day following his death. Her pension has been increased from time to time by general legislation until it reached \$30 per month, the maximum rate now allowed by existing pension laws. Her pension was increased to \$35 per month by a special act of Congress approved September 22, 1922.

A bill has now been introduced proposing to increase her pension by another special act to \$45 per month.

The evidence submitted with the bill shows that claimant is 80 years of age, owns no property and has no income but her pension. A physician testifies that claimant is wholly disqualified for the performance of manual labor by reason of senility, chronic hemorrhoids, partial deafness, poor eyesight, and bodily weakness.

Claimant was in the committee room and stated that she has no one to support her, that she is living with a niece who wants her room, and that her pension is too small to enable her to go elsewhere.

She appeared to be very feeble.

An increase of pension to \$45 per month is recommended.

H. R. 681. Jennie E. Buckley, Mount Clemens, Mich., is the widow of Daniel J. Buckley, who served on the U. S. S. *Independence* from January 10, 1896, to December 4, 1897, when he died. The sailor also had two prior services in the Navy, from April 21, 1894, to April 19, 1895, and from November 8, 1895, to January 8, 1896.

He had an honorable discharge from his first two enlistments and died in the service. (Wid. Orig. 18453.)

The records of the Navy Department show treatment in service as follows:

Independence: Admitted December 3, 1897, vulnus punctum, not in line of duty, as it occurred while partly under the influence of liquor and skylarking with the crew of the tug *Unadilla* about 11 p. m.

The facts are as follows: W. H. Dykes, coal heaver, had retired to his bunk for the night, when Buckley, being partly under the influence of liquor, pulled the blankets off the bunk of Dykes and other members of the crew. Dykes protested against being thus disturbed and asked Buckley to desist; Buckley re-

peated the act, which caused Dykes to get out of the bunk and grapple with Buckley. In the struggle which ensued Dykes struck Buckley with the sharp point of a miner's candlestick, the instrument penetrating the cavity of the chest, passed through the pericardium, and wounded the superior vena cava. Death occurred within a few minutes.

Copy of the verdict of the coroner's jury, also a copy of the proceedings of a board of inquest, furnished by the Navy Department, show as follows:

The board, from a view of the body and from the evidence before it, is of the opinion that Daniel J. Buckley, fireman, first class, was killed by William Dykes, coal passer, United States Navy, accidentally while scuffling on board the tug *Unadilla* between half past 10 and 11 o'clock postmeridian on December 3, at the navy yard, Mare Island, Calif.

We are of the opinion that the death of Daniel J. Buckley, fireman, first class, was in the line of duty, he being on the detail as one of the crew of the *Unadilla*, and being on board her on duty at the time of his death.

C. P. PERKINS,
Lieutenant Commander, United States Navy.

J. R. WAGGENER,
Surgeon, United States Navy.

M. C. GORGAS,
Lieutenant, United States Navy.

[Indorsement]

UNITED STATES NAVY YARD,
Mare Island, Calif., December 7, 1897.

Approved:

HENRY GLASS,
Captain, United States Navy, Commanding Navy Yard and Station.

STATE OF CALIFORNIA.

County of Solano, ss:

In the matter of the inquisition upon the body of Daniel Buckley, deceased, we, the undersigned, the jurors summoned to appear before F. W. Trull, coroner for the county of Solano, at Mare Island, on the 4th day of December, 1897, to inquire into the cause of the death of Daniel Buckley, having been duly sworn according to law, and having made such inquisition, after inspecting the body and hearing the testimony adduced, upon our oaths each and all do say that we find the deceased was named Daniel Buckley, was a native of Maine, aged about 38 years; that he came to his death on the 3d day of December, 1897, in this county, from a puncture wound by a miner's candlestick in the hand of William Dyke, by accident; and we hereby exonerate him (Wm. Dyke) from all blame; all of which we duly certify by this inquisition, in writing by us signed, this 4th day of December, 1897.

L. M. RABZER.
C. L. BUCHLER.
JOHN WALKER.
W. GODBER.
J. A. TRIPP.
LEWIS E. BRUCE.

ALBERT HART.
S. F. LONG.
ANTON KARSLEN.
MARTIN FIELD.
T. MAGUIRE.
BENJAMIN POPE.

Verdict accepted.

F. W. TRULL, *Coroner.*

The widow of the sailor filed a claim November 19, 1898, under the general law, which was rejected April 25, 1899, on the ground that the soldier's death, while under the influence of liquor, did not occur in the line of duty.

In support of this bill claimant files her sworn statement, alleging that she married the sailor September 1, 1896, and that he died at Mare Island Navy Yard, Calif., December 3, 1897, of stab wound of the heart; that she has not remarried since his death, and that her

property, real and personal, consists of a house and lot in Mount Clemens, Mich., assessed at \$2,500, together with household furniture of the total value of probably \$3,000.

Her statement as to property and income is corroborated by lay witnesses, and a physician testifies that she is physically disabled for the performance of manual labor as a cook.

Claimant's affidavit, together with evidence recently filed by the Member who introduced the bill, satisfactorily establishes legal widowhood.

The Senate Committee on Pensions, Sixty-seventh Congress, rejected this claim (H. R. 9552) upon the ground that the sailor's death occurred while he was out on a drunken frolic and as a result of his own misconduct.

The Member who reintroduced this bill made the following statement relative to this case:

In the Buckley case I find that the report of the board of inquest held that his death occurred in the line of duty. That report is in your committee and it seems to me that considerable weight ought to be given to it.

In addition, the bald statement that this man was out on a drunken frolic sounds pretty bad. It gives the impression that he was worthless and not entitled to much consideration. In this connection it should be noted that this man was serving his fourth period of enlistment, enlisting first on April 21, 1894, and discharged April 19, 1895, while holding the rating of fireman, second class. He again enlisted November 8, 1895, and was discharged January 8, 1896, as seaman. He reenlisted January 10, 1896, as fireman, first class, and was discharged January 9, 1897. He reenlisted January 10, 1897, and died while in service, December 4, 1897. I have before me his last discharge papers given to him January 9, 1897, signed by Captain Kempff, commanding U. S. S. *Independence*, which is indorsed with recommendations for reenlistment. His conduct record on that discharge is as follows:

"Proficiency in rating, excellent; seamanship, excellent; sobriety, excellent; obedience, excellent; average standing for term of enlistment, excellent."

This statement is signed by Lieutenant Commander Gaslin, executive officer. I do not know what his record was for his last period of enlistment, but certainly think the one I have called to your attention is a very strong showing, and I think your report might very well make some reference to it.

This committee is of the opinion that while this sailor may have been to some extent under the influence of liquor, his death occurred while on board his ship and by accident while playing with a comrade. The board of inquest above cited and composed of Navy Department officials stated that they were of the opinion that the death of the sailor was in the line of duty, he being on board the ship on duty at the time of his death.

For the above reasons it is again recommended that claimant be pensioned at the rate of \$12 per month.

H. R. 687. Cornelia H. Clopton, R. F. D., Americus, Ga., is the widow of Thomas Clopton, who served during the War of 1812 in Capt. John Field's company of Virginia Militia, from September 29, 1814, to February 23, 1815, when honorably discharged. (Wid. Cert. 20675.)

Claimant was married to the soldier March 11, 1858, and he died December 7, 1874, and she is now pensioned as his widow at \$30 per month, the rate provided by law for widows of soldiers of the War of 1812.

She is 84 years of age and a physician testifies that she suffers from rheumatism, partial paralysis, and almost total blindness. She

states she owns 50 acres of land which she lives on and is not cultivated and that its value is not over \$1,000, and witnesses corroborate her. She has one son who does not contribute to her support.

In view of this widow's advanced age and physical and pecuniary condition, an increase of her pension to \$50 per month is recommended.

H. R. 732. James Burke, National Military Home, Dayton, Ohio, served during the war with Spain, in Battery A, First Regiment Maine Heavy Artillery, from August 13, 1898, to March 31, 1899, when honorably discharged. He again enlisted May 13, 1899, in Battery E, Seventh Regiment United States Artillery, from which he was discharged without honor August 4, 1899. (Inv. Orig. 1370738.)

His claim under the act of June 5, 1920, was rejected September 17, 1920, because he was not honorably discharged from his last service.

The report from the War Department shows that he was discharged upon the recommendation of his battery commander, having been convicted of intoxication by the civil authorities at Portland, Me., June 14, 1899, and committed to the county jail for the term of 30 days.

Claimant is 68 years of age and has neither property nor income.

A physician describes his condition as follows:

Defective hearing. Defective sight; blind in right eye. Nasopharyngeal catarrh. Loss of teeth, chronic bronchitis, chronic gastroenteritis. Pruritus, itching, bleeding hemorrhoids. Frequent nocturnal micturitions. Double inguinal hernia, right side operated. Left inguinal hernia. Dyspnoea on least exertion. Rapid, irritable, intermittent heart action, chronic myocarditis. General chronic rheumatism, severe in the shoulders and lower extremities. Varicose veins both legs, cicatrices of varicose ulcers. An old fracture of right leg, compound. Part is sensitive to his weight when walking, locomotion very much interfered with, necessitates the use of a cane at all times to get about. Broken arches. Oedema of hands and feet at times.

These disabilities are permanent and progressive in character and totally incapacitate this soldier for all forms of manual labor.

T. L. LAUGHLIN, M. D.

Claimant states he has been divorced from his wife and appears to have no children to support.

This soldier had a service in the war with Spain of over seven months from which he was honorably discharged and had he not again enlisted this would entitle him to pension under the law.

The fact that he again enlisted and served over two months until convicted of intoxication by the civil authorities and sent to jail should not, it is believed, debar him from relief by special act.

It is therefore recommended that he be granted a pension of \$18 per month. He is now being cared for in a soldiers' home.

H. R. 735. John G. De Camp, 2074 Benninghofen Avenue, Hamilton, Ohio, served during the war with Spain, in Company E, First Regiment Ohio Infantry, from July 29 to October 25, 1898, when honorably discharged. No claim for pension was filed in the Pension Bureau, and soldier would not have title under the act of June 5, 1920, because he had only 89 days of service.

Claimant is 47 years of age and states he has a home worth \$1,800 and that his annual income is \$1,200, and witnesses corroborate his statement. Witnesses who have known him for years testify that he has been unable to work one-third of the time.

A physician who has known him four years states that he has been under his care for bronchitis, gastritis, disease of kidneys, and high blood pressure and that he probably loses one-third of the time from work. Nothing shown as to family.

This soldier had just 89 days' service when he was discharged to date October 25, 1898, that being the day his company was mustered out of service. The War Department, however, reports that at that time he was absent sick, his sickness being a fever, and a witness testifies that he also was in the hospital with claimant and that they were actually discharged December 22, 1898.

He therefore had in reality over 90 days' service, and your committee recommends that he be granted a pension of \$12 per month.

H. R. 744. James H. Jevens, National Military Home, Dayton, Ohio, served during the war with Spain in Company K, Second Regiment Georgia Infantry, from May 2 to July 24, 1898, when honorably discharged. (Inv. Orig. 1221961.)

The records of the War Department show treatment in service as follows:

Treated in field hospital, Fourth Ambulance Corps, Tampa, Fla., June 28 to 30, 1898, gunshot wound, severe, involving loss of second, third, and fourth finger, left hand, runaway horse, in the line of duty; admitted to hospital Fort McPherson, Ga., July 1, 1898, wound, severe, involving loss of second, third, and fourth fingers, left hand, runaway horse, not in line of duty.

Discharged on surgeon's certificate of disability July 24, 1898, cause wound severe, not in line of duty. Degree, one-half.

Soldier filed a claim under the general law alleging that June 27, 1898, he was run over by a street car, which mashed the first, second, and third fingers of his left hand so that they had to be amputated.

Claim was rejected March 21, 1901, on the ground that the injury was not incurred in line of duty, but while absent from command without leave.

He was discharged on certificate of disability which stated that while endeavoring to stop a car for himself and wife he fell across the track, his hand caught by the car wheels and crushed at Tampa, Fla., while absent without leave.

No claim has been filed under the act of June 5, 1920, as claimant had less than 90 days' service.

Claimant is 49 years of age and states he has no property or income and witnesses state they know of none.

In support of the bill the affidavits of the captain and another member of the company have been filed showing incurrence of injury as alleged, also medical evidence as follows:

This is to certify that James H. Jevens, who was a private in Company K, Second Georgia Infantry, was admitted to the Pittsburgh City Hospital on April 15, 1924, and was treated for secondary anaemia, receiving three blood transfusions and was at his request on May 30, 1924, transferred to the National Military Home Hospital, Dayton, Ohio. When admitted to the City Hospital at Pittsburgh, Pa., he was in a very serious condition suffering with heart trouble and rheumatism to such a degree as to be incurable.

JAMES S. HAMMERS.

I have this day examined the above-named soldier and find the following disabilities: Arthritis or rheumatism in joints of shoulders, elbow, tip of knee joints bad at times. Heart also very irregular at this time compensation bad. He is now under treatment at National Military Home for above diseases. Also lost the first, second, and third finger, left hand.

He has also asthmatic attacks, probably due to heart. At this time he has very acid urine, but no albumen or sugar. Also says he had bad accident while in Pittsburgh to lower jaw on right side. At that time he states that he had this transfusion of blood. He is not able to do any manual labor.

M. H. SWISHER, M. D.

While soldier had less than 90 days' service he lacked only 6 days of the 90, having served 84 days, and it is believed his service is sufficient to warrant allowance by a special act.

He is an inmate of and being cared for in a national home, and it is recommended that he be granted a pension of \$12 per month.

H. R. 746. Henry Juvenile, National Military Home, Ohio, served in the Regular Establishment in Troop M, Third Regiment United States Cavalry, from October 18, 1869, to October 19, 1874, and in Troop D, Sixth Regiment United States Cavalry, from May 7, 1880, to May 6, 1885, when honorably discharged. He had a prior service during the Civil War in Unassigned Twelfth Regiment Ohio Infantry from February 8 to March 7, 1864 (less than 30 days), and was discharged from this service on a surgeon's certificate of disability because he was incapable of performing the duties of a soldier on account of insufficient development due to his age. (Inv. Orig. 1163593.)

The records of the War Department show treatment in service as follows:

January 6 to 13, 1871, "fortior callis;" October 24 to 28, 1871, intermittent fever; November 8 to 9, 1871, quotidian intermittent fever; November 16 to 17, 1871, tertian intermittent fever; returned to duty; August 16 to 17, 1872, constipation; July 15, 1873, no diagnosis; March 26 to 28, 1874, catarrh; July 6 to 10, 1874, sprain; July 19 to 23, 1874, diarrhea; May 17 to 20, 1881, acute bronchitis; returned to duty; July 27 to 29, 1881, bite of insect; December 14 to 21, 1881, acute bronchitis; returned to duty; January 1 to 14, 1882, acute bronchitis; March 5 to 11, 1882, tonsillitis; March 30 to April 5, 1882, lacerated wound back of hand done in affray while intoxicated, weapon, hammer; April 15 to 21, 1882, no diagnosis; returned to duty. December 5 to 15, 1882, tonsillitis; returned to duty; July 4 to 5, 1883, acute diarrhea; returned to duty; April 26 to 29, 1885, boil left buttock, in the line of duty; returned to duty apparently well.

Additional treatment: November 2 and 3, 1869, intermittent fever; June 11 to 15, 1880, headache; returned to duty. No additional record of disability found.

A claim under the general law was rejected in June, 1909, on the ground of no ratable disability from alleged rheumatism, chills and fever, lung fever, piles and quinsy.

Another claim based on rheumatism, which he stated was the only disability he had which was contracted in the service, was rejected February 7, 1916, on the ground of no record in the War Department, no evidence of origin in the service, in the line of duty, and no satisfactory evidence of existence at and for many years after discharge.

There is no evidence to show origin in the service, and the evidence as to continuance is general and indefinite and does not amount to proof.

Claims under the Civil War act have been rejected on the ground that his service during the Civil War was less than 90 days; and that he was not discharged therefrom on account of disability incurred in service and line of duty.

A claim under the Indian war act of March 4, 1917, has been rejected because claimant did not serve in any Indian war or campaign named in said act.

In a report furnished the committee May 14, 1924, The Adjutant General, United States Army, stated as follows, with reference to soldier:

During his first enlistment this soldier in the West was stationed successively at Fort Wingate, N. Mex., January to April, 1870; Fort Apache, Ariz. T., thence to May, 1871; Camp McDowell, Ariz. T., thence to December, 1871; Fort McPherson, Nebr., thence to May, 1872, and North Platte, Nebr., thence to date of discharge. During his second enlistment he was in the West, stationed successively at Fort Apache, Ariz., February to August, 1881; went August 21 on detached service to guard property on Ask Creek, returning to Fort Apache in September or October (date not shown), where he remained until April 6, 1882; in the field and at Camp Price, Ariz. T., thence to October 27, 1882; Fort Grant, Ariz. T., thence to June 11, 1884; Nogal, N. Mex., thence to July 1; South Fork, N. Mex., thence to December 28; Fort Stanton, N. Mex., thence to date of final discharge.

He did not serve in any of the Indian campaigns named in the pension act of March 4, 1917, and it is not found that he served in connection with any other active Indian hostilities. His troop was in action with Indians near Fort Apache, August 30, 1881, when he was apparently absent, and again in action at Fort Apache, September 2, 1881, but whether he was then present the records do not show.

Claimant's statement of October 7, 1921, relative to his service against Indians, is as follows:

Personally appeared before me, the undersigned, and being duly sworn deposed as follows: That he was a member of Troop D, Sixth United States Cavalry, from 1880 to 1885, and that during this period of enlistment he was stationed at Fort Apache, Ariz. and N. Mex., participating in campaigns against hostile Indians of the Apache Tribe, more especially the bands of Victorio and Loco-Juh and Geronimo.

He further deposes that he was present and in the immediate vicinity on August 30, 1881, when his troop commander, Captain Hentig, was killed, same taking place on the attack of Fort Apache, Ariz.

On arrival at the fort, September 1, 1881, the troop was attacked by the hostiles, and in the skirmishing our first lieutenant, Gordon, was wounded. During the skirmish on the day that Captain Hentig was killed there were also a number of the enlisted men killed, and to the best of my knowledge and belief that there were eight enlisted men killed besides the troop commander.

During the year 1882 the troop was ordered into the field against hostiles and during the summer and fall encountered small bands of the hostiles, finally driving them across the Mexican line.

In the year 1885 Troop D, Sixth United States Cavalry was stationed at Mescalero Indian Reservation, N. Mex., performing field duty, protecting the inhabitants of the vicinity from the ravages of the hostiles, and keeping the Indians to the limits of the reservation.

Further deponent sayeth not.

HENRY JUVENILE.

OCTOBER 7, 1921.

The affidavit of Brigadier General Cruse relative to the soldier's service against Indians is as follows:

Personally appeared before me the undersigned authority, Brig. Gen. Thomas Cruse, United States Army, retired, who being duly sworn deposed as follows: That he was a second lieutenant of the Sixth United States Cavalry from 1879 to 1887, and that during that time the regiment was stationed in Arizona and New Mexico and was engaged in several campaigns against hostile Apache Indians, more especially the bands of Victorio and those of Loco-Juh and Geronimo, and these campaigns worked great hardships and loss of life. Over 1,000 people were killed by these hostiles from September, 1879, to December, 1880. During this time a soldier named Henry Juvenile was in Troop D, Sixth Cavalry and partook in several engagements with these hostiles, notably at Cibicu Creek, Ariz., on August 30, 1881, when his captain, Hentig, was killed, and the attack on Fort Apache, September 1, 1881, when his first lieutenant Gordon was wounded. Also in several other extremely hard scouts and engagements. All this to my personal knowledge and recollection. At present this same Henry

Juvenile is an inmate of the Soldiers' Home, Washington, D. C. He certainly was in these Indian campaigns and did his duty in every respect.

Further deponent sayeth not.

THOMAS CRUSE,
Brigadier General, United States Army, retired.

SEPTEMBER 1, 1921.

Soldier it appears was not with his regiment on August 30, 1881, when his troop was engaged against Indians and his captain killed.

He was on detached service guarding property on Ash Creek, Ariz., from August 21 to September or October, 1881.

Claimant is 77 years of age and has no property or income. Two witnesses testify that claimant has been in bad health since discharge from several disabilities and a physician testifies to treatment for rheumatism and other troubles since 1908 and states that he is totally disabled.

Considering all the evidence it appears that the committee would not go wrong in granting claimant a small pension. He was in the zone of hostile Indians (exact length of time not known) and considering the affidavit of the claimant's Second Lieutenant (Brigadier General Cruse) it is reasonable to presume he rendered extremely hard service in the protection of the country against Indians. He also had nearly 30 days' service during the Civil War and no doubt would have rendered faithful service during that war if permitted.

A pension of \$12 per month is recommended.

H. R. 760. John M. Stephens, National Military Home, Ohio, served during the war with Spain in Company D, First Regiment Ohio Infantry, from July 30 to October 25, 1898, when honorably discharged. (Inv. Orig. 1463210.)

Claim under the act of June 5, 1920, has been rejected because service was less than 90 days.

Soldier was in service 88 days, only two days less than required to entitle him to pension.

He is 55 years of age and without property or income.

With the bill a physician's affidavit has been filed stating result of a medical examination as follows:

Hearing fair. Defective sight. Naso-pharyngeal catarrh. Teeth, bad condition. Chronic constipation. Itching hemorrhoids. Right varicocele. A general chronic rheumatism, marked in the shoulders, arms, and lower extremities. Lumbago. Varicose veins, both legs, bad. Flat foot, marked. Frequent nocturnal micturitions. Dyspnoea, and vertigo on least exertion. Rapid, irritable heart action. Quite nervous, symptoms present would suggest an incipient neurasthenia. Tires out readily on least exertion. By reason of above stated disabilities I consider this soldier four-fifths disabled for all forms of manual labor.

T. L. LAUGHLIN, M. D.

Soldier is an inmate of a national home and in 1922 he stated his wife was dead and it does not appear that he has any small children.

As soldier lacked but two days of the required 90 days' service, it is recommended that he be granted a pension of \$12 per month.

H. R. 809. Carrie Miller, Moscow, Idaho, is the widow of John Miller, who served in Company A, Eighteenth Kansas Cavalry, from July 2 to November 15, 1867, when honorably discharged. (I. W. W. Cert. 10737.)

Claimant was married to the soldier February 27, 1873, and he died August 8, 1923. She is now pensioned at \$12 per month under

the act of March 4, 1917, on account of soldier's Indian war service.

She is now 77 years of age and her property is worth only about \$700, and witnesses state she has no child or other relative who contributes to her support and has no income other than her pension.

An increase of pension to \$20 per month is recommended.

H. R. 833. Mary A. Donaghy, Newport City, Vt., is the widow of Thomas Donaghy, who served in the Regular Establishment, in Company F, Seventh Regiment United States Infantry, from October 18, 1867, to June 3, 1869, when honorably discharged. (Wid. Ctf. 891659.)

The soldier was pensioned under the general law at the rate of \$24 per month for rheumatism and resulting disease of heart, piles, and malarial poisoning when he died.

The soldier died February 29, 1920, from anemia, and the claimant was granted a pension of \$12 per month under the general law, his death having been accepted as the result of his military service.

The claimant was married to the soldier March 13, 1871. She is 71 years of age and is shown by the evidence to be the owner of a house and lot worth about \$3,500, and that she has no income other than \$20 per month rent from her house and her pension of \$12 per month.

A physician who has known the claimant for 17 years states she is disabled from performing any active work, by reason of permanent valvular heart disease and degeneration of the heart muscles.

An increase of pension to the rate of \$20 per month is recommended.

H. R. 904. Martin Fluegel, South Bend, Ind., served in Troop C and band of the Fifth Regiment United States Cavalry, from June 13, 1870, to June 13, 1875, when honorably discharged. He also had subsequent service in the Regular Army from September 25, 1875; to September 24, 1880; from December 9, 1880, to December 8, 1885; from February 11, 1886, to March 29, 1889, and from February, 1890, to April 3, 1891. (I. W. S. Ctf. 6957.)

Soldier was pensioned under the general law at \$10 per month for injury of back and resulting lumbar neuralgia. He is now pensioned at \$20 per month under the act of March 4, 1917, on account of his Indian war service, and a claim for renewal and increase under the general law was adjudicated in March, 1924, at \$17 per month, which was less than he receives as an Indian war survivor.

He is now 80 years of age, has no property and no income except his pension, and it is stated will soon need the constant help of some person, and one witness states that outside of his pension he is dependent upon his friends.

A physician testifies that he is totally disabled.

An increase of pension to the rate of \$30 per month is recommended.

H. R. 943. William Lanier, Birmingham, Jefferson County, Ala., served in the Regular Establishment in Company F, Sixteenth Regiment, and in Company D, Second Regiment, United States Infantry, from September 27, 1867, to September 27, 1870, when honorably discharged. (Inv. Orig. 1167338.)

The records of the War Department show no treatment in service.

The claim under the general law was rejected on the ground of no record, no medical or other satisfactory evidence showing origin or treatment in service or existence at discharge of the alleged injury to right ankle.

In that claim the claimant alleged that about July, 1868, he incurred injury to right ankle by stepping into a hole while on drill.

The only evidence filed in support of the claim is the affidavit of a comrade, J. E. Griffin, dated November 4, 1901, which is to the effect that claimant sprained his ankle while on drill near Kingston, Ga., in the spring of 1868, the affiant not being an eyewitness, but stating that he saw claimant soon afterwards when it seemed to be giving him trouble and pain.

Certificates of medical examination dated October 9, 1895, and December 20, 1899, show an exostosis of external malleolus with some enlargement and ankylosis of right ankle, and a rate of 4/18 was recommended in the earlier certificate and 6/18 in the later one, and both certificates show the claimant's physical condition otherwise to be good.

The claimant is now about 80 years of age. He alleges that he is wholly incapacitated for earning his support by manual labor by reason of his run-down physical condition due to exposure during his service, and that he has no property or income.

Testimony of neighbors and a physician indicates that claimant is without property or income and is now unable to work, and the Member who introduced this bill states that claimant is in urgent need of a pension as he is destitute.

Under existing law the claimant is only entitled to pension on account of disability due to service.

The evidence that he incurred injury to ankle in service is slight and unsatisfactory, but there is that slight evidence to back up his allegation and a disabled ankle is shown on medical examinations.

He is now old and poor, and it is believed that his present disabled condition may be in part due to his military service.

The Member who introduced the bill stated December 31, 1924, that claimant is nearly 80 years of age and destitute.

The allowance of pension at the rate of \$12 per month is recommended.

H. R. 972. John Dudley, R. R. No. 5, Batavia, Ohio, served during time of peace in Company L, Eighteenth Regiment United States Infantry, from April 22, 1905, to May 20, 1907, when honorably discharged on account of disability. (Inv. Ctf. 1154783.)

The records of the War Department show treatment in service as follows: May 17 to July 19, 1906, ingrowing toenail, right foot.

He was discharged on surgeon's certificate of disability on account of partial ankylosis of right ankle, due to simple fracture of lower third of left fibule and tibia, incurred October 4, 1906, while on pass, from fall while roller skating; also partial deafness of both ears. Hearing one-third normal. Degree of disability for pension one-third. All the foregoing in the line of duty.

Claim was filed June 11, 1907, under the general law, alleging that while engaged in target practice at Fort Leavenworth, Kans., about June, 1905, he incurred deafness of both ears, result of noise and concussion. Also on October 14, 1906, fell, broke his right leg, resulting in ankylosis of right ankle.

This claim, after special examination of the case, was allowed at the rate of \$6 per month for slight deafness of both ears.

That part of the claim based on ankylosis of right ankle, alleged result of fracture of right leg, was rejected on the ground that said fracture was incurred while absent from his command for his own pleasure and therefore not in the line of duty, as required to give title under the general law.

Claim for increase filed June 13, 1912, was allowed at the rate of \$22 per month for severe deafness of both ears. Claim for increase was filed June 17, 1922, by the wife as next friend, which was rejected November 20, 1922, on the ground that the evidence on file shows that a rate of pension in excess of \$22 per month is not warranted by the degree of disability from pensioned cause, severe deafness of both ears.

The soldier has been in the insane hospital, Dayton, Ohio, also in St. Elizabeths Insane Hospital, Washington, D. C.

The soldier's mother and his wife state that ever since the soldier was shell shocked and discharged because of deafness due to shell shock he has been growing worse, until at present he is practically totally deaf, and by reason of other complications that have set in because of shell shock he is now insane and has been for the past six years and is entirely helpless and requires the constant attention of some one.

It is shown by the evidence that the claimant has no property or income; that the soldier and his wife and two minor children are being taken care of by his mother, the wife being unable to work on account of personal attention required by her husband.

An increase of pension to the rate of \$30 per month is recommended.

H. R. 1049. Helena Bunt, St. Cloud, Stearns County, Minn., is the dependent mother of Joseph W. Bunt, who served in the Regular Establishment in Troop B, Thirteenth Regiment, United States Cavalry, from January 8, 1904, to July 20, 1905, when he died in service. (Moth. Ctf. 606836.)

Claimant is now pensioned as a dependent mother at the rate of \$12 per month, the claim being established in the Bureau of Pensions, and the rate allowed is the maximum to which claimant is entitled under existing law.

A special examination of the case was made before the claim was allowed and claimant's dependent condition was well shown. At that time claimant's husband was living, but it was shown that he was a drunken, worthless creature able to work, but who spent his earnings on drink and contributed little or nothing to the support of his family.

It was shown that the family had a little home of small value and mortgaged; that the claimant was then in ill health and the special examiner spoke of her as a poor, distressed, and ill-treated person who was having a pretty hard time of it. It appears that the claimant's husband is now dead, and that she has a life interest in the little home where she resides; her household furniture is worth about \$200; that her only income is her pension, and that she has no one who contributes or who is legally bound to contribute to her support.

Evidence filed is to the effect that she is unable to do any work or scarcely able to do her own housework.

Dr. Charles S. Sutton testifies that she has a permanent heart lesion (mitral regurgitation) and a chronic irritable bronchitis; that she is not capable of working to any extent because of loss of compensation, and breath is very short and rapid after exertion on account of this condition; that he estimates her percentage of disability at 85 per cent. Claimant is 61 years of age. She has evidently had a hard time for years and is poor and in ill health.

The allowance of increase of pension to the rate of \$20 per month is recommended.

H. R. 1050. John E. Hanson, 848 North Dearborn Street, Chicago, Ill., served in the Regular Establishment, in Company B, Twentieth Regiment United States Infantry, from November 19, 1890, to November 28, 1892, when honorably discharged on account of disability. (Inv. Cert. 875899.)

The records of the War Department show treatment in service as follows:

July 2 to November 28, 1892, hydrocele of left spermatic cord with atrophy of the left testicle, in line of duty; discharged from service on surgeon's certificate of disability November 28, 1892, cause hydrocele of left spermatic cord and atrophy of the left testicle and painful condition of the cord and testicle, originated in the line of duty.

Claimant's first application for pension was filed December 14, 1892, and his claim was based upon the ground that he injured himself in the service while lifting heavy stones causing painful condition of the testicles and hydrocele.

He is now pensioned at the rate of \$6 per month for hydrocele and disease of left testicle. Claims for increase have been denied by the Pension Bureau on the ground that claimant's disability from hydrocele and disease of left testicle does not warrant an increase, and of no record or other satisfactory evidence of hernia from which he also suffers. Although the Bureau of Pensions would not accept the claimant's "hernia" to be shown to be due to his military service the evidence in the case strongly indicates that it was, and he should be given the benefit of any doubt. He alleges that he contracted hernia in the service as well as hydrocele. The first board of examining surgeons that examined him July 13, 1893 (eight months after discharge), reported as follows:

Has left direct complete inguinal hernia, gut falls into scrotum. Tumor size of hen egg, is reducible and retainable. Has a badly fitting truss which is painful to wear. Six-eighths for hernia. No hydrocele, no atrophy of testicle, no disease of spermatic cord. No rating for hydrocele.

As claimant at that time alleged "hydrocele" and this board found "hernia" another official examination of the soldier was held August 8, 1894, and this last board stated that they found no hernia on that date but "hydrocele" and atrophied left testicle. However, they did state that claimant was wearing a truss and that he stated to them that "hernia" descended into scrotum upon removing the truss.

Official medical examination in the years 1903, 1911, and 1924 all disclosed "hernia." The claimant's discharge bears a notation to the effect that he was not eligible for reenlistment because he was suffering from hernia. A physician in 1894 stated that claimant had a hernia. Dr. Julius H. Lee states in his affidavit of November 17,

1924, that he has known the claimant 38 years, treated him in January, 1892, for hernia on left side, also hydrocele, and that claimant is now only one-half able to perform manual labor on account of hernia, hydrocele, and disease of left testicle. Witnesses also make this statement. A comrade stated that he remembered when the soldier received his injury in the service resulting in hernia.

The medical referee of the Pension Bureau stated, October 21, 1924, that the date of the incurrence of the hernia can not be determined.

Soldier is 55 years of age and married.

He owns two vacant lots worth \$800 and witnesses state that his annual income is \$1,800 per year when able to work full time. The hernia passes through the external ring.

It is believed from the evidence that the soldier's hernia should be held to have been contracted in the service and that he should be pensioned for the same.

Your committee recommends that his pension be increased to \$20 per month.

H. R. 1051. Paulinus G. Huhn, 1015 St. Germain Street, St. Cloud, Minn., served during the war with Spain in Company M, Thirteenth Regiment Minnesota Infantry, from April 29, 1898, to August 19, 1899, when honorably discharged. (Inv. Ctf. 1003140.)

The records of the War Department show that claimant received in battle during the war with Spain a severe gunshot wound of the lungs.

His pension was increased under the general law November 3, 1920, from \$24 to \$30 per month for gunshot wound of lungs.

This action was based upon the following medical examination of November 3, 1920:

Examination reveals tall, well-built, well-nourished male, with intermittent hacking cough, with no upper teeth and eight lowers present and pyorrhea present. Partially bald head.

Lungs: Expansion, 39, 36½.

Bilateral basal pleurisy manifest by râles and lessened—

X ray shows bullet about 45 number in chest to left of sternum. Heart, negative.

No evidence of vicious habits.

This man is unable to do labor and at present is on the street selling some automobile polish in pint bottles.

Undue exercise promotes considerable cough, and from his statement effort to do hard straining work brings on hemorrhages. This man is extremely nervous and irritable, reflexes slightly increased.

This applicant is so disabled (totally) as to incapacitate him from doing manual labor from his lung condition as to entitle him to total \$30.

Claimant is 49 years of age, and it is shown that he owns an undivided interest in a house and lot in St. Cloud, Minn., worth \$5,000 upon which there is a mortgage of \$2,500; that he owns no other property other than household goods; and that his annual income from all sources is between \$300 and \$400.

A physician states that claimant is wholly unable to work on account of a bullet in his left chest as shown by X ray, causing hemorrhages from his lungs.

Witnesses state that when able to work claimant makes a little money by canvassing articles such as polish.

In view of the claimant's poor physical condition and that it is the result of a wound received during the war with Spain, and in

battle, your committee recommends that his pension be increased to the rate of \$50 per month.

H. R. 1070. Ernest J. Logan, Rome, Ga., served during the war with Spain in Company D, Third Regiment Georgia Infantry, from July 8, 1898, to April 22, 1899, when honorably discharged. (Inv. Cert. 1183201.)

This soldier is now pensioned under the act of June 5, 1920, at the maximum rate of \$30 per month.

He is 49 years of age and is without property or income other than his pension.

He has a wife, and according to statement made in 1920 he has three children under 16 years of age.

He is paralyzed and one witness states he is practically helpless, and that the surgeons diagnose his troubles as multiple sclerosis.

A physician also testifies that he is paralyzed, which condition is permanent.

The board that examined him November 10, 1920, found him in that condition and stated he was absolutely unable to do any work.

An increase of pension to the rate of \$50 per month is recommended.

H. R. 1121. Annie Donaldson, 15 Bayship Road, Dundalk, Md., is the dependent mother of Robert E. Donaldson, who served in the United States Navy from January 9 to April 2, 1907, when he was drowned. (Mother's Orig. 29034.)

This mother's claim was rejected by the Bureau of Pensions in November, 1910, on the ground that sailor's death was not shown to have been in the line of duty.

The records of the Navy Department show that he was granted liberty from 1.15 to 6.30 p. m. April 2, 1907, and did not return to his ship, and at the expiration of 10 days he was declared a deserter, but the records also show that his body was found in the harbor of Colon April 4, and from the appearance of the body it was recorded that he was drowned April 2, which was the day he went upon liberty. The records show that the body was identified as that of Donaldson by Surg. J. F. Leys, United States Navy, superintendent of Colon Hospital.

A report made by the commander of the *Mayflower* to the Navy Department August 31, 1910, contains the following statement relative to the sailor:

The only man now remaining on board who went ashore in the same liberty party with Donaldson is G. A. Whiting, F. first class. He makes the following statement: Whiting went ashore at about 1.15 p. m., and together with another man, now unknown, met Golden on the street. They went together to some house or brothel where they met John Miller, F. second class, who has since deserted, and he thinks, Edward R. Ickes, F. second class, who has since been discharged from the service by sentence of summary court. These men had some beer together, and then went to another house on the opposite side of the same block, where they found some other men now unknown. In this place they had some more drinks and Golden told Donaldson that he was "close or stingy" because he was not spending any money. They had some words and a scuffle, but were parted by the other men. Whiting does not remember Wetzel to have been with the party. All these men were more or less under the influence of liquor, and Whiting left the party so as to get back to the ship at the expiration of his liberty. He tried to get Donaldson to return with him but he was not successful.

He thinks that Golden and Wetzel intended to desert when they went ashore, but does not know about Donaldson's intentions. He says that it was the general impression among the men of the engineer's force that Donaldson was drowned

in trying to return to the ship in a shore boat, as the weather was bad and the sea was rough. The records on this ship, however, show that Donaldson left no effects. Whiting states that a coxswain on board the *Dolphin* by the name of Stack told him that he saw Golden in New York the following autumn. Whiting, Stack, and Golden were members of the same party enlisting in Galveston, Tex., in January, 1907.

Claimant is 60 years of age and a widow, and testimony filed in support of the bill shows that she has no property or income, and that sailor was her son and that he left neither wife nor child, and a physician states that she is unable to do any work.

The committee believes that the sailor was drowned while returning to the ship and that the claimant should be granted a pension.

A pension of \$12 per month is recommended.

H. R. 1144. Leonard Merial, 213 Westminister Street, Buffalo, N. Y., served during the Philippine insurrection, in Company F, Twelfth Regiment United States Infantry, from December 23, 1899, to December 22, 1902, when honorably discharged. He also served during the World War at Fort Niagara, N. Y., Sixth Infantry, from August 25 to October 3, 1917, when discharged on account of a disability not due to service (venereal trouble). (Inv. Orig. 1402578.)

The records of the War Department show treatment in service as follows:

July 11 to 13, 1900, diarrhea, acute; August 6 to 10, 1900, abrasion of plantar surface left foot, cause unknown; September 8 to 17, 1900, abrasions of plantar surface of great toe, right foot, and abscess of instep, cause unknown; February 25 to 27, 1901, sprain left knee, slight, incurred about 10 p. m., February 23, 1901, while marching near Anao; June 30 to July 5, 1901, dysentery, acute; September 25 to 28, 1901, dhobie itch, acute entire inner surface of both thighs and legs; October 12 to 25, 1901, periostitis, acute, middle of anterior surface left tibia, cause traumatism, injured while riding horse at Aguilar, October 10, 1901; March 4 to 12, 1902, malarial intermittent fever, tertian; April 11 to 13, 1902, diarrhea, acute, returned to duty.

All the foregoing in the line of duty.

No additional record of disability found.

His claim under the general law filed April 8, 1912, was rejected on the ground that a ratable degree of disability from the alleged injury of left leg, dhobie itch, malarial poisoning, dysentery, and diarrhea had not been shown since the date of filing claim.

Claim under the Spanish War act of June 5, 1920, was rejected August 12, 1924, on the ground that claimant was not unable to earn a support by manual labor independent of the effects of specific disease.

The medical referee of the Bureau of Pensions first made a rating of \$12 per month. However, the action was canceled and claim rejected.

Official medical examination of July 9, 1924, is as follows:

Malaria, first chill December, 1923—they recur twice a year; tongue coated, scleras congested. The liver extends from the sixth rib to the costal margin. Spleen is tender but not palpable. Rheumatism: There is crepitation in both shoulders, also in knees. Motion is limited 100/0 in right shoulder, measurements are equal, no deformity. Right tibia, there is marked deformity and thickening of the right tibia, 7 inches below the ankle; ankle motion is unimpaired. Left great toe shows a well-marked horn nail. Nervous system, knee jerks are markedly exaggerated. Achilles reflexes exaggerated. Pupils react slowly to light; they are equal. There is no Rhomberg. Sensation normal. Vision: Right, 20/30; left, 20/30. Not corrected. Throat: Fauces are congested; tonsils are normal. Nose: Nasal septum is deflected to the right. Heart: Apex beat is in the fifth interspace one-fourth inch to the right of nipple line; second aortic is

slightly accentuated. No murmurs, the radials are moderately sclerosed. Lungs: At rest, 33; inspiration, 34½; expiration, 34½—normal. Stomach trouble: Complaints of distress after eating and constipation—there is epigastric tenderness. Prostate is moderately enlarged. No evidence of gonorrhea or syphilis. His gait is normal; he shows disturbance of coordination in his movements. His mental state is normal, aside from slight apathy. He is slightly anemic. Kidneys: S. G. 1030. No albumen, no sugar, acid reaction. Rectum is normal. He has no active malaria. Heart is not hypertrophied or dilated. His general physical condition is only fair. Rating, one-tenth (\$12).

Claimant is 50 years of age and married.

The evidence shows that he owns an equity of \$1,000 in a house and lot and when able to work steady earns about \$900 per year.

A physician states as follows relative to claimant's present physical condition:

That he is a practicing physician and has been acquainted with the above-named soldier for about 15 years and that he did not know soldier prior to his enlistment; has known him 15 years, seen him almost biweekly all this time. Soldier has consulted affiant several times regarding physical condition. Soldier lives about 1 mile from affiant; did not treat soldier in service. About July, 1922, affiant examined soldier and was of the opinion he was disabled 25 per cent; that now soldier is suffering by reason of pain from old fracture of right leg; pain in right shoulder joint, due to old sprain; valvular disease of heart; chronic constipation; missing teeth, pyorrhea, chronic indigestion, diminished hearing and vision; chronic malarial poisoning; chronic rheumatism; slight Rhomberg symptoms; nocturia, varicose veins left leg; deviated nasal septum; deformed left great toe-nail; overlapping toe; arteriosclerosis (arcus), premature senility.

In affiant's opinion, this soldier is physically disabled three-fourths.

In view of the fact that the medical officers of the Bureau of Pensions first held a ratable disability other than that due to specific disease existed, and to the evidence filed—your committee believes that the claimant should be granted a pension of \$12 per month and it is so recommended.

H. R. 1180. James M. Burns, 387 East Main Street, Bridgeport, Conn., was pensioned at the rate of \$12 per month (I. C. 1211466) by a special act of Congress approved September 22, 1922. Said action was based upon the following report:

H. R. 8486. James M. Burns, 545 Myrtle Avenue, Bridgeport, Conn., served during the war with Spain in Company L, First Regiment United States Volunteer Engineers, from June 29 to August 5, 1898, when discharged on a surgeon's certificate of disability by reason of nervousness existing prior to enlistment, but aggravated by service. (I. O. 1256451.)

The records of the War Department show treatment in service as follows:

"As James Burns, private, Company L, First United States Volunteer Engineers, August 5, 1898, excessive nervous tremor, on excitement only, in the line of duty; diagnosis is also shown as extreme nervousness, with inability to control himself. The tremor is so marked that he is unable to control himself and perform military duty."

When examined for enlistment no defects were noted aside from slight varicose veins of right leg and three decayed teeth. He filed a claim for pension under the general law, October 26, 1900, based upon rheumatism, malarial poisoning, disease of stomach and kidneys, and nervousness. It was rejected, that part of the claim based upon nervousness, on the ground that said disability existed prior to enlistment as shown by the records of the War Department, and that part based upon the other disabilities on the ground that a pensionable degree of disability therefrom had not been shown since date of filing claim.

Three comrades testified that he contracted rheumatism, malaria, disease of stomach, and nervousness in the service, and there is medical evidence showing existence of same since discharge.

A board of surgeons who examined him January 16, 1901, recommended a rate of \$6 per month for rheumatism and disease of heart, and while nervousness was found, a rate for same was not recommended.

The evidence filed with the bill shows that claimant is about 61 years of age; that he was a sound, healthy man prior to enlistment; that he has suffered with rheumatism, malaria, and disease of stomach ever since his Army service, and has been one-half disabled thereby. A physician testifies that he has treated him since 1910 for rheumatism and malaria and that he (claimant) is now two-thirds disabled by reason of said disabilities.

Several Spanish War veterans have asked for legislation giving claimant relief, and it is shown that he has no property and no income aside from what little labor he can do. A pension of \$12 per month is recommended.

The present bill proposes to increase the soldier's pension by another special act to \$20 per month.

He is 64 years of age and it is shown that he owns no property and has an income of about \$300 per year. He states that he earns 40 cents an hour when employed, but has not been regularly employed for the past few years.

A physician stated December 1, 1925, under oath, as follows relative to the soldier's physical condition:

This is to certify that I have examined James M. Burns, aged 64, residing at 387 East Main Street, Bridgeport, Conn.

Since the last examination on January 8, 1924, at my office I find that his eyesight is becoming more impaired, the chronic arthritis is more marked, the joints of fingers becoming involved. There is a complete inguinal hernia of left side.

He is suffering with dyspepsia and constipation.

Hearing is impaired in left ear.

Teeth were all extracted in an attempt to relieve arthritis.

Mr. Burns at his age and with his physical infirmities would find it quite impossible to obtain employment of a permanent nature. Insurance companies also object to the employment of this type and in order to protect themselves demand a signed waiver.

An increase of pension to the rate of \$17 per month is recommended.

H. R. 1181. Mortimer H. Cadwell, State Tuberculosis Sanatorium, Norwich, Conn., served during the Philippine insurrection, in Company M, Forty-sixth Regiment United States Volunteer Infantry, from September 26, 1899, to May 31, 1901, when honorably discharged. (Inv. Ctf. 1197934.)

Soldier is now pensioned under the Spanish war act of June 5, 1920, at the rate of \$30 per month, the maximum rate.

He is 53 years of age and has no property or income and is suffering from active pulmonary tuberculosis and unable to earn anything and a physician testifies that he has had tuberculosis for at least 12 years and that there is a cavity in the upper lobe of right lung.

Certificate of medical examination made March 5, 1924, is as follows:

Eyes: Right vision, 20/20; left vision, 20/30.

Lungs: Expiration, 36½ inches; inspiration, 38; abdomen, 37. Flatness over right scapula over an area about 3 inches, rales very pronounced over same area. Right side of chest anteriorly, flatness, infra-clavicle region also rales. Left side on line of angle of scapula over tenth the pleuritic sounds, accompanied by pain on inspiration over an area about an inch. No symptoms of asthma, bronchitis, or emphysema. No history of haemoptysis (coughing blood from the lungs).

Urinalysis: Color, light amber, S. G. 1022; albumen, none; sugar, none.

Reflexes: Active.

Heart: Apex beat about 1¾ inches below and 1 inch to right of nipple. No murmurs.

Applicant's disabilities not due to or aggravated by vicious habits. In my opinion applicant is totally incapacitated for earning support by manual labor due to pulmonary tuberculosis.

Claimant's wife is dead but he has two children under the age of 16 years to support. He is in a State tuberculosis sanatorium.

An increase of pension to the rate of \$40 per month is recommended.

H. R. 1222. Sanford S. See, Jackson, Mich., served during the war with Spain in Company B, One hundred and fifty-eighth Regiment Indiana Infantry, from June 21 to November 4, 1898, when honorably discharged. (Inv. Cert. 1134984.)

Soldier is now pensioned under the act of June 5, 1920, at \$30 per month, the maximum rate.

He is now 44 years of age and has a small house worth about \$1,000 and \$50 worth of household goods, and evidence filed with the bill shows that he is in very poor health, is nervous, and subject to falling spells, and that it is dangerous for him to go about.

A physician testifies that he has chronic arthritis of both feet, functional disease of heart, gastritis, and that he is almost totally deaf from catarrh.

The Member who introduced the bill states in a letter to the committee as follows:

Sanford S. See, the claimant, seems to be but 44 years of age, but he has totally white hair and looks like a man at least 65 years of age. I know nothing about his ailments other than as stated in the inclosed affidavits. I do know the man, however, and have seen him fall in a faint. He can not do any kind of work and tumbles about any time without a moment's notice. He has sort of a home, which I know is valued at \$1,000, and has no other income than the \$30 per month pension which he receives as a Spanish-American War veteran. This is the maximum allowed under that law.

This is an exceptional case, and I hope that the committee will act favorably. However, if it is desired, I will be pleased to come before the committee.

In 1909 soldier states he was separated from his wife.

An increase of pension at the rate of \$40 per month is recommended.

H. R. 1303. Elizabeth F. Hampton, McRae, Ark., is the dependent mother of Otto L. Hampton, who served in the Regular Establishment, in the Fourth Company, United States Coast Artillery, from July 10, 1915, to January 9, 1917, when he died in service. (Moth. Ctf. 910968.)

Claimant is pensioned under section 4707, Revised Statutes, as amended by the act of June 27, 1890, at the rate of \$12 per month from May 31, 1919, the claim being established in the Bureau of Pensions, and the rate is the maximum allowable under existing law.

The claimant is 83 years of age, and it is shown by the testimony of a physician and neighbors that she is nearly blind and suffers from rheumatism, and by reason of her disabilities and old age she is not able to work, and has no income except her pension.

It is believed that in view of claimant's age and poor physical and financial condition an increase of pension to the rate of \$20 per month is fully warranted, and it is so recommended.

H. R. 1311. Henry L. Wiessner, 312 South Patterson Park Avenue, Baltimore, Md., served during the war with Spain in Company H, Sixteenth Regiment United States Infantry, from July 6, 1899, to July 11, 1902, when honorably discharged. (Inv. Cert. 1238849.)

The records of the War Department show treatment in service a number of times for diarrhea and malarial fever.

His claim under the general law was rejected January 19, 1904, on the ground that a ratable degree of disability had not been shown since date of filing the claim from malarial poisoning and diarrhea.

He is now pensioned under the Spanish war act of June 5, 1920, at the rate of \$30 per month.

The board of surgeons that examined him January 29, 1924, report that claimant is wholly disabled; that he is entirely deaf in one ear, and has severe deafness of the other.

Nervous system: Melancholia, constant weeping, restlessness, insomnia, and constant muttering. Pupils contracted, all reflexes negative and slight tremor. Mental impairment, excitability, mental depression and illusions, but can remember dates and places. Stomach: Complaints of severe gas eruptions, unable to eat solid foods, constant pain in stomach. Has been confined to bed since November, 1923, but previous to this confined off and on for the last five years. On examination, stomach very tender, slightly distended, shows signs of gastric ulcers. Nausea and sometimes vomiting mucus. Arteries normal. No signs of malarial poisoning; mucous membranes show slight anemia.

Blood pressure 130. General debility very marked.

His condition confines him to bed; he should be placed in a hospital, which I have advised his wife.

He is not improving and my prognosis is doubtful as to recovery.

No signs of vicious habits.

Claimant is 47 years of age and married.

He states that he owns no property and has no income other than his pension of \$30 per month. One witness states that his wife works night and day to keep a roof over his head and to buy medicine.

Witnesses state that claimant never has been well since returning from his service in the Philippine Islands, and that in the past years he has been most of the time under doctor's care; that he has had a paralytic stroke, is deaf, and can only walk a short distance with a cane, and at all times complains about his stomach. Rev. C. Morgan Compher stated personally that claimant is in a very serious physical condition. A physician states soldier is practically helpless, due mostly to chronic gastric ulcer and partial paralysis, with no promise of improvement.

An increase of pension to \$50 per month is recommended.

H. R. 1312. Kate McGhehey, Black Rock, Ark., is the dependent mother of Warren C. McGhehey, who served during time of peace in the United States Navy from December 1, 1911, until December 31, 1912, when he died in service from injury incurred in line of duty. (Inv. Ctf. 767059.)

Claimant is now pensioned under the general law at \$12 per month, the rate provided by law for dependent parents of soldiers or sailors who died of disabilities incurred during time of peace.

Claimant states that she is 60 years of age, owns a hill farm worth \$500 and \$100 worth of personal property, with a mortgage on the farm of \$400, and that the income of herself and husband is \$250 per year, and witnesses corroborate her statement, and a physician testifies that she has rheumatism and is disqualified for performing all kinds of labor.

While her husband is living, the evidence in the pension case when allowed in 1913 showed that they were in dependent circumstances.

The special examiner who examined the claim in the field stated that claimant's husband was spoken of as a hard-working man but he was mentally and physically inefficient, emphatically inefficient,

and that everything about their home showed such judgment to be correct, from the brush-fence pasture to the decayed doorstep and paneless windows.

In view of the physical and pecuniary condition of the claimant an increase to \$20 per month is recommended.

H. R. 1335. Silas Rogers, Crawfordsville, Ind., served during the war with Spain in Company M, One hundred and fifty-eighth Regiment Indiana Infantry, from April 26 to November 4, 1898, when honorably discharged. (Inv. Cert. 1108703.)

Soldier was originally pensioned at \$17 per month for right inguinal hernia and catarrh and resulting slight deafness.

He is now pensioned at \$30 per month under the act of June 5, 1920. No claim for increase under the general law has been filed since allowance at \$17 in 1906, but it is evident pensioned causes would not entitle him to as high a rate as he receives under the June act.

Claimant is 57 years of age and has a wife.

He owns property assessed at \$460, and his income is his pension; and witnesses testify that since February, 1924, he has been so helpless from a stroke of paralysis as to confine him to his home and necessitate the daily attendance of his wife or others. A physician testifies that he is so crippled that he must have permanently the care and attention of a second party daily. The doctor states he has had two strokes; that he has known him 25 years.

A board of surgeons that examined him October 1, 1924, states as follows:

The claimant was brought to this office by his wife. He can walk with assistance, always uses a cane, right foot is still dragging. His general health and nutrition fair.

Nasal membrane: Red, dry and crusted; fauces are red and granulated; uvula broad and elongated; left eustachian tube not pervious to vals-alvian inflation.

Arteriosclerosis: Radial arteries show hardening as well as the temporal. There is no doubt of the general hardening of his arteries.

Chest: Lungs are normal.

Heart: Apex in sixth space; dullness increased; rhythm regular; force fair; action rapid; systolic murmur marked, heard over mitral area; no dyspnea, except short of breath on exercise; face flushed; no odema.

Right hemiplegia: Right side of face flattened. He can use the right leg and arm, but is very weak in them; has no force in grasp of right hand; uses a cane constantly in walking, can walk alone by using great care and deliberation, but it is very unsafe for him to go on the street alone; the patella reflexes on right side much exaggerated; no special hyper nor anesthesia.

Right hernia: Urine, normal. There is a linear scar about 5 inches in length where he has been operated on; there is only slight impulse on coughing at internal ring; does not come down. No evidence of vicious habits. The aggregate in capacity for earning a support by manual labor is total, \$30.

An increase of pension to the rate of \$50 per month is recommended.

H. R. 1428. Frederick Sholes, Eagle Harbor, N. Y., served during certain Indian wars, in Troop E, Sixth Regiment United States Cavalry, from June 22, 1885, to June 22, 1890. He had a prior service in Company A, Thirteenth Regiment United States Infantry, from December 13, 1879 to December 13, 1884. Honorably discharged from all services. (Ind. War Sur. Ctf. 11118.)

Soldier is pensioned at the rate of \$20 per month under the Indian war act of March 4, 1917.

He is 66 years of age and married.

The evidence filed in support of the bill shows that he owns a small house and lot worth five or six hundred dollars and that he has no income other than his pension.

A physician states that claimant has chronic pulmonary tuberculosis with cavity formation which is completely disabling and progressive and in his opinion the claimant will never be able to support himself or do any work. Witnesses state that the claimant has been confined to his bed during the past three weeks and that they have been informed that he has pulmonary tuberculosis.

An increase of pension to the rate of \$30 per month is recommended.

H. R. 1461. Lester Swanberg, 6403 Wentworth Avenue, Chicago, Ill., served during the border defense in the Regular Establishment. He was mustered into the Federal service in Machine Gun Troop, First Illinois Cavalry, June 27, 1916, and mustered out of the Federal service November 17, 1916. (Inv. Orig. 1465619.)

The records of the War Department show treatment in service as follows:

Physical examination at enlistment not found.

August 15, 1916, to August 23, 1916, injured by animals—kicked by mule while on picket duty. Right edge of the perineum, in line of duty; embolism left forearm, in line of duty; erysipelas face, mild in line of duty; August 23 to August 30, 1916, camp hospital, Brownsville, Tex., contusion, slight, right perineal region, accidentally incurred by kick of mule while at camp on fatigue at Brownsville, Tex., August 21, 1916, in line of duty.

His pension claim under the general law filed April 15, 1922, was rejected. That part of the claim based on injury to testicles on the ground that a ratable degree of disability by reason thereof had not been shown to exist since the date of filing the claim. That part of the claim based on nervous trouble was rejected on the ground that the nervous trouble was not incurred in the service, but first appeared subsequent to claimant's discharge as shown by his own statement.

The soldier was kicked by a mule in the region of the testicles while in the service, and he claims that this kick caused nervous trouble.

Official medical examination of September 21, 1922, is as follows:

Testicle: Left side varicocele, testicles of normal size, no atrophy, function good, no loss of tissue or deformity present; no loss of tissue of perineum; able to urinate without any trouble.

Nervous system: No evidence of paralysis; no evidence of fascias; speech, good; writes clear and with steady hand. No spasms or convulsions; states he never had any (fits) convulsions; states that he gets dizzy every day about 2 or 3 p. m., and must lie down for a period of 30 minutes. States that when he gets a position he works a few days then is discharged because he can not sit still long enough to do his work; can not sit still on a chair 10 minutes; states he never reads a newspaper because he can not stay quiet long enough to read it. All muscular reflexes are exaggerated; has a continual cough; throat negative; lungs, no râles; breathing free and regular.

Heart: No murmurs, apex beat regular and forcible.

Board makes a diagnosis of chorea major.

Father died in Dunning (Ill.) State insane hospital when boy was 23 years old (three quarters) or totally disabled. Not due to any vicious habits.

This patient should be in an institution or Government hospital.

The claimant is 27 years of age. It is shown by the evidence that he owns no property and has no income and dependent upon his mother, who states that she, to some extent, is dependent on charity.

Two witnesses state that claimant was a strong robust man when he entered the service.

The affidavit of the soldier's physician is as follows:

That he is a practicing physician and has been acquainted with the above-named soldier for about 20 years, and that he was in good health when he enlisted in the Army. I did not treat him while in the service. Six months after he was discharged from the Army he was unable to work. He was treated at the Wesley Hospital free dispensary, Chicago, also by Doctor Seebolt, of Chicago, a chiropractic. I treated him in June and July, 1923. Diagnosis chronic chorea. He is totally incapacitated for work.

He further declares that he has been a practitioner of medicine for 21 years.

E. B. ANDERSON, M. D.

Claimant's disability is "chorea." It is a disease of the nervous system characterized by a succession of irregular, involuntary movements occurring in almost all parts of the body and will affect the mind. The disease occurs more frequently in families in which nervous diseases are hereditary than in others; ill-usage, constipation, and anemia are very common antecedents of "chorea."

The Bureau of Pensions stated that "chorea" could be due to an injury to testicles, provided the disability existed soon after such an injury. In this case no claim for pension was ever filed until over five years after discharge, and claimant stated under oath that his nervous disability first became manifest about January 1, 1918 (over a year after discharge); further, his father died in an insane asylum. However, his family physician stated that claimant, six months after discharge from the Army, was unable to work, diagnosis chorea; also his mother stated that six months after discharge claimant was a nervous wreck.

There is considerable doubt that the soldier's disability is due to his military service. However, no one can say to a certainty that it was not, therefore the committee recommends that the claimant be granted a pension of \$12 per month.

H. R. 1484. Clara R. Wilson, R. F. D. No. 5, Indiana, Pa., is the widow of James Wilson, who served in Company G, Nineteenth Regiment United States Infantry, from February 15, 1876, to March 10, 1878, when honorably discharged. (I. W. W. Cert. 9313.)

The widow's claim under the general law was rejected many years ago because soldier's death was not shown to have been due to his service.

She was married to the soldier April 11, 1880, and he died May 21, 1904. She is now pensioned at \$12 per month under the Indian war act of March 4, 1917.

She is about 70 years of age and owns a lot worth about \$400 and a charge upon a daughter who is said to have paralysis.

A physician testifies that she is completely broken down; that she has had to wash for a living, but is now entirely incapacitated and never will be able to do any more work of this kind.

An increase of pension to \$20 per month is recommended.

H. R. 1646. Jesse T. Talmadge, 1616 Brown Street, Anderson, Ind., served during certain Indian wars in Troop K, Third Regiment United States Cavalry, from August 23, 1866, to August 23, 1871, when honorably discharged. (I. W. S. O. 19204.)

Soldier's claim under the act of March 4, 1917, has been rejected because he did not serve in any Indian war or campaign named in the act.

Claimant is 82 years of age, and evidence shows that he has no property or income and is wholly disabled for labor, and a physician testifies that he has treated him at various times since 1910 for wound of knee, wound of right hand, and in December, 1923, for paralysis of right arm probably caused by a brain clot and that he has other ailments causing permanent total disability for manual labor.

While soldier did not serve in any Indian war or campaign named in the act of March 4, 1917, the report from the War Department shows that this soldier was on detached service in pursuit of Indians from April 21, 1868, to May or June, 1868, and the committee believes that he should therefore be regarded as an Indian war soldier and be granted a pension of \$20 per month.

H. R. 1655. Charles L. Berkheimer, 402 West Howard Street, Muncie, Ind., served during the war with Spain in Battery L, Third Regiment United States Artillery, from February 7, 1898, to February 6, 1901, when honorably discharged. (Inv. Cert. 1147638.)

Having failed to establish title under the general law soldier was granted a pension of \$12 per month by a special act in 1908. He is now pensioned under the act of June 5, 1920, at \$30 per month.

He is 49 years of age and has a wife, and both his feet have been amputated, caused by a railroad accident in 1905.

He states he has a joint deed on property and \$3,000 in building and loan company, and that his income is \$600 per year.

One witness testifies that he has property by joint deed which he has partly paid for and no income he knows of except his pension, and another testifies that he knows of his owning property valued at about \$7,000, which he holds by joint deed, and having \$3,000 in building and loan company, and that he can not walk except with artificial limbs, by using a cane, or being carried.

A physician testifies that he has known him 15 years and has treated his stumps, and also treated him for malaria, with piles, and that he also has rheumatism.

Claimant does not appear to be in very necessitous circumstances; however, as he has lost both his feet the committee recommends an increase of pension at the rate of \$40 per month.

H. R. 1702. Charles M. McDonald, McLeansboro, Ill., served during the Philippine insurrection, in Company H, Thirtieth Regiment United States Volunteer Infantry, from July 24, 1899, to October 30, 1900, when honorably discharged. (Inv. Cert. 1037523.)

Soldier was pensioned at the rate of \$12 per month for headache result of sunstroke, chronic diarrhea, and disease of rectum and heart contracted in service and increase was rejected in 1919.

He is now pensioned at \$30 per month under the act of June 5, 1920. He is 49 years of age and has a wife. He states he has a farm of 130 acres of very poor land heavily mortgaged which is worth \$3,000 and that his income is \$560 a year and witnesses substantially corroborate his statement as to property and mortgage but do not state value of same. Witnesses also state claimant lives on his farm but is unable to farm it and has no income other than his pension.

Evidence shows that for some years he has been mentally incapacitated and on several occasions has had to be confined in an insane asylum or hospital.

A physician testifies that he is suffering from dementia, headaches, diarrhea, and other ailments and that he has been confined in an insane asylum twice, the last time in 1923, and that he is totally incapacitated for labor or business and requires the constant aid and attendance of another person almost all of the time.

The records in the pension case show that a conservator (his wife) was appointed for soldier in 1915 who was discharged in 1916, and that appointment was again made in 1923, and conservator again discharged August 4, 1924, soldier having been adjudged competent.

An increase of pension to the rate of \$40 per month is recommended.

H. R. 1739. John R. Sharp, Wellsville, Mo., served during the war with Spain in Company K, Fifth Regiment Missouri Infantry, from June 27 to November 9, 1898, when honorably discharged. (Inv. Ctf. 1183132.)

The soldier is pensioned at the rate of \$30 per month under the Spanish War act of June 5, 1920.

This action was based upon official medical examination of December 15, 1920, which is as follows:

This applicant, we find evidence of the right thigh being fractured. The right leg is $1\frac{1}{2}$ inches shorter than left. There is weakness in the right leg and varicose veins above and below knee. Grip in right hand is greatly weakened. Reflexes normal. Disability for broken thigh and weakened condition of right side, one-fourth, \$12. He has high blood pressure, 160 systolic. Heart, irritable, rapid, and irregular, skipping every fourth beat; heart slightly enlarged and indistinct; murmurs found on examination to-day. He has syncope, at times falling in a faint. He is very anemic, poorly nourished, and weak. Urine analysis shows slight trace of albumen S. G. 1021. Palpation auscultation shows normal lungs. His mental condition is like a child, more at times than others.

Disability for heart trouble, one-half; disability for mental condition, one-fourth.

The aggregate disabilities from broken leg, heart trouble, and mental condition incapacitates him from earning a living and is entitled to \$30 per month.

The soldier's family physician stated in 1923 as follows, relative to the claimant's physical condition:

That he is a practicing physician, and has been acquainted with the above-named soldier for about 40 years, and that he is the family physician and has treated him for the past 20 years, for rheumatism and nervous condition; also for heart and kidney trouble. During his service, he sustained a fracture of the right femur and it has shortened the right leg and gives him a great deal of pain when he does any lifting or work. He is in feeble health and has syncope spells at times; can not stand on his feet. Poorly nourished and anemic and is unable to make a living on manual labor. His troubles are not due to vicious habits, nor venereal diseases found. He has not been sound in mind nor body since his discharge from the service. It is my opinion he is entitled to a pension for entire disability.

S. S. Cox, M. D.

The same physician now testifies about the same as above relative to the soldier's physical condition but adds to his former affidavit by stating that the claimant's mental condition is about that of a child 12 years old. No evidence of vicious habits.

He is 59 years of age and not married.

It is shown by the evidence that he owns no property and has no income other than his pension.

He is wholly disabled for earning a support by reason of weak mindedness, general weakness, injured right thigh, weakness of right leg and arm, and high blood pressure.

He has frequent attacks of syncope and falls frequently. His physician states that his mental age is about 12 years. Claimant lives with a brother and sister who are not financially able to support him.

An increase of pension to the rate of \$50 per month is recommended.

H. R. 1781. Samuel Andrew, Clearmont, Mo., served in the Regular Establishment in Company K, Second Regiment United States Infantry, from April 3, 1866, to July 8, 1867, when honorably discharged. (Inv. Orig. 566113.)

The records of the War Department show treatment in service for epilepsy July 5 to 16, 1866, and again June 18, 1867, and he was discharged on certificate of disability on account of said disease contracted in line of duty.

Claims filed in March, 1889, and subsequently, based upon epilepsy or blind staggers and alleged resulting affection of head and eyes were rejected after a special examination on the ground that there was no medical or other satisfactory evidence showing continuance since discharge, and claimant's inability to connect any existing disability with his service, and disease of eyes existed prior to enlistment, as shown by claimant's statement to the special examiner. Special examination failed to show existence of epilepsy or fits prior to enlistment.

On the special examination several witnesses who had testified to continuance repudiated the statements made in their affidavits, and it was shown that they had no knowledge of attacks of epilepsy until years after discharge. Soldier's wife, who stated that she was divorced from him in 1883, testified that she was married to him July 16, 1871, and lived with him for 11 years, and that she never knew him to have epilepsy or fits at any time while she lived with him. Since rejection, two of the original affiants have again testified to continuance since soon after discharge, but one of them had repudiated her testimony on the special examination, and claimant stated to the special examiner that he knew the other witness had never seen him have a fit or attack of dizziness.

Several other witnesses have executed typewritten affidavits, testifying to attacks of epilepsy for many years, but it is doubtful whether they have any actual knowledge as to same, in view of what has been shown as to the affidavits of the other witnesses. A physician testified in November, 1923, that he had known claimant for 17 or 18 years and treated him various times; that during the hot months he would become affected by the heat and have sick spells, and that at times he seems not to be in possession of his mental faculties. Another physician testified in 1923 that he has treated soldier for dizziness and vertigo, causing heart weakness during the last four years.

Medical examination made July 5, 1911, showed little or no objective symptoms of epilepsy but the board gave him a rating of \$17 per month for affection of head and eyes from overheat, epilepsy, and impaired vision.

Claimant is 77 years of age, and has no property of any value and no income and evidence shows the county pays \$5 per month, the rent of his shack, and that the citizens contribute food and fuel.

A physician testifies he has known claimant six years and that he is wholly disabled; has dizzy and unconscious spells, epileptic in nature, as well as other troubles. He has no family. It was developed upon the special examination that claimant had been a drinking man and he told the special examiner that he began drinking to excess after his wife left him. While there is some doubt as to whether this soldier's condition is due to his service, yet the record shows that he was discharged because of confirmed epilepsy contracted in the service and in the line of duty, and he has disability therefrom still existing and the committee believes he should be given the benefit of the doubt and granted some pension.

A pension of \$17 per month is recommended.

H. R. 1783. Susan A. Bankston, Halls, Mo., is the widow of Jackson W. Bankston, who served during certain Indian wars in Company E, Fifth Regiment United States Volunteer Infantry, from April 21, 1865, to October 11, 1866, when honorably discharged. (I. W. W. Cert. 10425.)

The soldier had a prior service in the Confederate Army and enlisted in the United States service too late to be regarded as having served during the Civil War.

Claimant is pensioned at the rate of \$12 per month under the Indian war act of March 4, 1917, and this rate is the maximum to which she is entitled under existing law.

The applicant is 86 years of age and was married to the soldier March 20, 1904. The evidence filed with the bill shows that she owns no property and has no income other than her pension of \$12 per month. Witnesses also state that no one contributes toward her support. In 1922 a special examiner of the Pension Bureau stated that claimant was living with her daughter and son-in-law; that this son-in-law has but one leg and is running a poultry farm. A physician states that the claimant has a broken hip and for the past four years has been unable to stand alone or take one step.

It is recommended that the claimant's pension be increased to \$30 per month.

H. R. 1784. William Thomas Bond, Mound City, Mo., served during the war with Spain in Company B, Fourth Regiment Missouri Infantry, from April 27, 1898, to February 10, 1899, when honorably discharged. (Inv. certif. 1183285.)

Since September 19, 1921, the claimant has been receiving the maximum rate of pension allowed under the Spanish War act of June 5, 1920 (\$30 per month).

The pension was allowed on account of age, over 75 years. Prior to 1921 he was in receipt of a pension of \$24 per month under the disability clause of the act of June 5, 1920.

The soldier is now 78 years of age.

The evidence filed with the bill shows that claimant is very feeble and wholly incapacitated for earning his support by manual labor on account of heart and prostate disease. He has a blood pressure of over 140 and his diseases are progressive.

The evidence also shows that he has no income other than his pension, and that his only property consists of a small dwelling house and lot occupied as a home and valued at \$900.

In 1919 he stated that he had a wife to support.

The committee recommends that claimant's pension be increased to \$40 per month.

H. R. 1789. Caroline de Witt Flagler, 2017 Columbia Road, Washington, D. C., is the widow of Maj. Gen. Clement A. F. Flagler, who served during the war with Spain and the World War, and at Vera Cruz, Mexico, in 1914.

Major General Flagler died in the service May 7, 1922, and his widow has been granted compensation at the rate of \$30 per month.

The general's military history is as follows:

Born in Georgia, August 17, 1867. Appointed from Iowa. Cadet, United States Military Academy, June 14, 1885; additional second lieutenant, Corps of Engineers, June 12, 1889; second lieutenant, April 1, 1890; first lieutenant, October 4, 1894; captain, July 5, 1898; major, May 5, 1906; first lieutenant colonel, February 27, 1913; colonel, May 15, 1917.

Federal service in other than the Regular Establishment: Major, Engineers, May 17, 1898; accepted, June 8, 1898; honorably discharged, December 31, 1898; brigadier general, National Army, December 17, 1917; accepted, February 7, 1918; major general, United States Army, October 1, 1918; accepted, October 17, 1918; honorably discharged, March 15, 1920.

Graduated: Army War College, 1914; Engineer School of Application, 1892; B. S., Griswold College, 1885.

Service: He was on duty with Battalion of Engineers at Willets Point, N. Y., from September 30, 1889, to June 1, 1892; as assistant to Col. G. H. Mendell, Corps of Engineers, San Francisco, Calif., to August 10, 1894; as instructor in engineering, United States Military Academy, West Point, N. Y., to August 20, 1895; as assistant to Capt. T. L. Casey, Corps of Engineers, Fort Monroe, Va., to June 13, 1896; as assistant to Capt. W. L. Fisk, Corps of Engineers, Portland, Oreg., to December 11, 1897; with Companies B and C, Battalion of Engineers, Willets Point, N. Y., to May 15, 1898; picket officer and assistant engineer officer, First Division, First Corps, at Chickamauga, Ga., and Charleston, S. C., to July 28, 1898, and in Porto Rico July 28 to September 10, 1898; in charge of engineer district with headquarters at Montgomery, Ala., September 30, 1898, to September 30, 1900; engineer officer, Department of Porto Rico, to December 20, 1900; engineer officer, Department of the East, to May 8, 1902; commanding Company C, First Battalion of Engineers, Fort Leavenworth, Kans., to May 25, 1904; in charge engineer district with headquarters at Wilmington, Del., to May 25, 1906; engineer, fourth lighthouse district at Wilmington, Del., to August 6, 1908; commanding Third Battalion, Engineers, at Fort Leavenworth, Kans., to July 15, 1910; in charge engineer district of Nashville and Chattanooga, Tenn., to December 9, 1910; district engineer at Mobile, Ala., to July 30, 1913; student, Army War College, Washington, D. C., to May 7, 1914; chief engineer on staff of General Funston at Vera Cruz, Mexico, to August 6, 1914; instructor, Army War College, Washington, D. C., to June 30, 1915; in charge of Washington engineer district and of water supply of the city of Washington, D. C., to August 28, 1917; commanding Seventh Regiment of Engineers and Engineer Officers' Training Camp, Fort Leavenworth, Kans., to December 28, 1917; commanding Fifth Field Artillery Brigade at Leon Springs and Waco, Tex., to May 15, 1918, and thereafter in France; in training camp at Valdahon to July 25, 1918; in St. Die sector to September, 1918; at St. Mihiel and chief of artillery, Third Army Corps, in Argonne-Meuse offensive from October 15 to November 20, 1918; commanding Forty-second Division in march to the Rhine and as part of Army of Occupation to April 6, 1919; returned to the United States and in command of Camp Bowie, Tex., to May 15, 1919; commanding camp and engineer school, Camp Humphreys, Va., to April 5, 1920; on temporary duty at headquarters, Western Department, San Francisco, Calif., to August 5, 1920; en route to and in Hawaii as department engineer and commanding officer Third Engineers to May 11, 1921; en route to the United States and on duty at Baltimore, Md., under direction of Chief of Engineers to date of death.

He died at Johns Hopkins Hospital, Baltimore, Md., May 7, 1922.

He was awarded meritorious service citation certificate by the commanding general, American Expeditionary Forces, "for excellent service rendered as commanding general of the Corps Artillery, Third Corps, and of the Forty-second Division"; also awarded French Legion of Honor (commander) and French croix de guerre with palm.

Brig. Gen. William H. Bixby, Maj. Gen. William M. Black, Lieut. Col. W. G. Caples, and Maj. Gen. H. Taylor have filed letters in the case citing the faithful and efficient military service of the claimant's husband.

The statement of Brig. Gen. William H. Bixby is as follows:

I hear that the widow of Col. Clement A. F. Flagler, Corps of Engineers, United States Army, who died at Baltimore, Md., May 7, 1922, while still on the active list, is seeking a pension proportionate to Colonel Flagler's rank and record.

I knew Colonel Flagler personally; and he served under my direct orders while I was Chief of Engineers, 1910-1913. I have also known something of his service from 1913 until his death. Throughout his career, he has always rendered able, efficient, faithful service to the Government, and his death was a great loss to his Corps and the Army. His record both before and during the World War, entitle him and his widow to every consideration that Congress may be able to extend to him and her. Faithfulness to his official duties has naturally prevented him from accumulating much property or money; and his widow needs all the assistance that can be given her.

Among this officer's important engineering assignments was the design of the Key Bridge, Washington, D. C., upon which he continued for a considerable time in charge of the construction, Lieut. Col. C. O. Sherrill stated claimant's husband should be given credit for the major features of the design of this bridge.

The claimant and soldier were married January 25, 1897, and she is now 59 years of age.

It is shown by the evidence that Mrs. Flagler has assets worth \$18,000, consisting of first mortgage notes worth \$16,000 and \$2,000 cash, and that her annual income amounts to about \$1,080. In addition, it is shown that she receives War Risk insurance installments at the rate of \$145.95 per month, effective since May 7, 1922, and terminating May 6, 1925.

A physician states that claimant has myocardial weakness which disqualifies her from performing manual labor.

It has been the practice of Congress to grant the widows of officers of the Army or Navy who rendered long and distinguished service and attained high rank, a pension somewhat in keeping with the service rendered by the husband.

In recognition of the distinguished service of Major General Flagler, the committee recommends that claimant be granted a pension of \$50 per month in lieu of any pension or compensation to which she is entitled.

H. R. 1836. John G. Schempp, Soldiers' and Sailors' Home, Homelake, Colo., served during the Apache Indian campaign in Arizona of 1872 and 1873. He served in Company I, Twenty-third Regiment United States Infantry, from November 19, 1870, to November 19, 1875, and from November 27, 1875, to November 26, 1880, when honorably discharged.

He again enlisted February 2, 1884, in Company D, Fourteenth Regiment United States Infantry, and deserted June 9, 1884. (I. W. S. Cert. 10858.)

His application under the general law, filed December 9, 1903, based on snow blindness due to his military service in 1876, was rejected on the ground of no record in the War Department of the alleged impaired vision or other competent evidence showing existence in the service at discharge or for some years thereafter, of said disability. A physician states that he has known claimant for 29 years and that the soldier's sight began to fail about 1896. He was examined by a board of surgeons in 1904 and they found no evidence of vicious habits but reported that the claimant's impaired sight was the result of snow blindness. Other witnesses have stated in a general way that soldier's eyesight has been bad since he came out of the service. It is not believed that the soldier's blindness is due to his military service.

He is now pensioned at \$20 per month under the Indian war pension act of March 4, 1917.

The evidence filed with the bill shows that the soldier is 74 years of age, that he owns no property, and has no income other than his pension to support himself and wife. A physician states that he is stone blind, the result of snow blindness; that he has a large varicose ulcer on his left leg and that he can not leave his chair without assistance from his wife, who gives her entire time for his care.

In view of the above facts your committee recommends that the soldier's pension be increased to \$30 per month.

H. R. 1910. Henry B. Schenck, Hackensack, Minn., served during the war with Spain in the Hospital Corps, United States Army, from June 2, 1898, to April 14, 1899, when honorably discharged. (Inv. Orig. 1491771.)

The records of the War Department show no treatment in the service.

Records of physical examination at enlistment is as follows:

Had gonorrhea 11 years ago. Two phalanges of left index finger cut off by machinery. Slight astigmatism.

His claim under the Spanish War act of June 5, 1920, was rejected June 5, 1924, on the ground that the soldier was not shown to be ratably disabled. A second claim under this act was rejected August 8, 1924, on the ground that a medical examination was not warranted, as specific disease could not be eliminated from disease of skin.

Soldier claims that he has chronic skin disease in armpits and on knee and right leg so that he is unable to kneel on his knee, and suffers from severe itching. He claims that the skin disease followed a smallpox vaccination while in the Army.

Official medical examination of March 11, 1924, is as follows:

Small varicose veins, skin eruptions, syphilis, Wassermann test, positive.

Claimant is 57 years of age. It is shown that he owns 80 acres of poor land worth \$800 and that his annual income is \$100.

A physician states that claimant has chronic skin disease in armpits and on right leg from right knee to ankle and that he is unable to kneel on right knee. Witnesses make the same statement and also state that claimant is only able to work about one-half of the time.

A pension of \$12 per month is recommended.

H. R. 1911. Egidius J. Fehr, 323 Sixteenth Avenue, North, St. Cloud, Minn., served during the war with Spain, in Company M,

Thirteenth Regiment Minnesota Infantry, from April 29, 1898, to October 3, 1899, when honorably discharged. (Inv. Cert. 1005068.)

Soldier is now pensioned at the rate of \$60 per month for a gunshot wound of his left arm resulting in total disability of left hand, and gunshot wounds of breast and right hip which were incurred in the service. Wounds received in battle.

He is now 45 years of age, and has no property or income other than his pension.

Two witnesses testify to the soldier's wounds in the service in the Philippines, and one of them states his left arm is now withered and useless, the fingers of the hand being contracted and useless and that his right leg is lame and that he is entirely disabled.

A physician testifies as follows:

That he has to-day made an examination of the aforesaid Egidius J. Fehr, with the following results:

Height, 68¾ inches; weight, 133 pounds.

Pulse, 84; temperature at 10 a. m., 98.6.

Head and neck normal.

Heart and lungs normal.

Abdomen normal.

Sexual organs normal.

Right arm normal.

Left leg normal.

Blood pressure: Sys. 118; diast., 75.

Urinalysis: S. G., 1026, clear, no albumen, no sugar.

The following defects were found:

1. Two transverse scars of chest at tip of sternum 2½ inches and 5½ inches long, producing some bone deformity of chest but not affecting lungs or heart.

2. Atrophy of entire left arm with contracture of fingers of left hand and total loss of function of entire left arm due to nerve paralysis from injury near left elbow, and incision scars of upper left arm, and scar of posterior left shoulder.

3. Partial atrophy of entire leg, with the diminution in size especially marked in leg below knee function of right ankle, almost entirely lost, function of right knee about one-half of normal and function of right hip about one-fourth of normal. With four deep contracted wounds at upper and posterior part of thigh and gluteal.

4. Six scars on back, probably produced by pressure while lying in bed during acute injured state.

H. W. GOEHRS, M. D.

The act of June 5, 1920, provides a rate of \$60 per month for the loss of a hand or foot or total disability in the same, and hence this soldier is entitled to the rate he receives for the one wound alone, so that in fact he receives nothing for the other two wounds.

He incurred all his wounds in action in the Philippines and an increase of pension to the rate of \$72 per month is recommended.

H. R. 1974. Archie McDonald, United States Soldiers' Home, Washington, D. C., served during no war but in the Regular Establishment, in Company H, Seventh Regiment United States Cavalry, from April 25, 1885, to April 24, 1890, and in Company B, Fifth Regiment United States Artillery, from April 28, 1890, to April 27, 1895, when honorably discharged. (Inv. Orig. 1484049.)

Ten years of continuous service.

The records of the War Department show treatment for nasopharyngeal catarrh, a number of times for intermittent fever, slight horse kick left leg, sprain wright wrist, influenza, and intestinal colic. All the above in line of duty. He was also treated a number of times for gonorrhea, stricture of urethra of gonorrheal origin, lacerated wounds of scalp right side above ear, severe, received while

absent from post, and moderate contusion right check caused by being struck with piece of wood during a drunken brawl.

He has title to pension only for disabilities contracted in the service and in the line of duty.

Twenty-eight years after discharge (May 21, 1923) the soldier filed his first claim for pension alleging that in June, 1886, he was taken with stomach trouble caused by injury to back, and his back became injured by slipping from a saw log near Fort Meade, S. Dak.

This claim was rejected on the ground that a ratable degree of disability had not been shown since date of filing the claim from the alleged injury to back and stomach trouble. In fact, there is no record in the War Department or any other evidence in the pension claim showing that the soldier injured his back in the service.

Official medical examination of February 27, 1924, disclosed no stomach trouble or injury to back. The examining surgeon stated that claimant, on account of age and general debility, was incapacitated in a degree equal to the loss of a hand or foot for the purposes of manual labor.

Claimant in his petition for pension by a special act states that he is wholly incapacitated for earning his support by reason of heart, throat, and bronchial trouble due to his military service.

First it was stomach and back trouble, now heart and throat trouble. It is quite evident that the soldier has no disabilities traceable to his military service.

Claimant is about 65 years of age. The evidence filed with the bill shows that he is an inmate of the United States Soldiers' Home, and that he owns no property and has no income.

An official medical report from the hospital, United States Soldiers' Home, and dated September 28, 1924, shows that claimant is in the convalescent ward of that home and that he is wholly disabled by reason of defective vision (cataracts), defective hearing, chronic bronchitis, chronic myocarditis, arteriosclerosis, and hypertrophied prostate.

He stated that he has never been married.

A pension of \$6 per month is recommended.

H. R. 1978. Albert S. Riddle, United States Soldiers' Home, Washington, D. C., served in the time of peace, in Company I, Fourth United States Cavalry, from December 9, 1892, to March 8, 1896, when honorably discharged. (Inv. Orig. 1355237.)

The records of the War Department show treatment in service as follows:

December 27 to 30, 1892, vaccine, in line of duty; February 11 to 13, 1893, acute diarrhea, in line of duty; March 13 to 16, 1893, epilepsy, existed at enlistment, not in line of duty; cure incomplete.

May 10 to 13, 1894, acute diarrhea, in line of duty; June 8 to 24, 1894, gonorrhea, not in line of duty; cure incomplete, being treated while off duty, returned to duty. No additional record of disability found.

In December, 1906, soldier filed a claim under the general law which was rejected in September, 1907, on the ground of no ratable disability from alleged injury of head, left arm, shoulder, and side.

Other applications were filed subsequently which were rejected September 28, 1923, on the ground that claimant was manifestly unable to connect any existing disability with his service as a result of the alleged injuries to head, left arm, shoulder, and side, and this

action was affirmed by the honorable Secretary of the Interior in a decision rendered December 7, 1923.

Claimant's disability appears from the evidence to be due to paralysis affecting the left side, and that such disease came in 1898, more than two years after discharge.

While it is not probable that the paralysis was due to injuries alleged, yet testimony in the pension case shows that claimant was thrown from his horse while at drill and that he fell upon his left side and injured at least temporarily his arm, shoulder, and head, and your committee believes he should be granted some relief.

He states he is 53 years of age and that he has no property, and medical evidence shows that he has paralysis of the left side totally unfitting him for manual labor.

A pension of \$12 per month is recommended.

H. R. 2059. Mary A. Wray, Albany, Ky., is the widow of Seaburn D. Wray, who served during a time of peace in Troop M, Fourth Regiment United States Cavalry, from August 2, 1905, to August 1, 1908, when honorably discharged. (Wid. Orig. 1200796.) (Inv. Ctf. 1186955.)

The records of the War Department show treatment in service as follows:

March 28 to April 29, 1906, varicocele, large, left side, of three months' duration; March 29, 1906, high operation, chloroform and ether anesthesia; June 2 to 6, 1906, malaria fever, remittent, nonmalignant; February 16 to 24, 1908, contusion, moderately severe, epigastric and right hypochondriac regions, accidentally incurred by falling from veranda of barracks while trying to take prisoner to the guardhouse at Jolo, P. I., February 16, 1908. Returned to duty. All the foregoing in the line of duty. No additional record of disability found.

Claim filed by soldier was rejected in July, 1916, on the ground of no ratable disability from alleged injury of left breast and left varicocele and results of operation for same.

He was then granted a pension of \$30 per month by a special act approved March 3, 1921, based on report as follows:

H. R. 5480. Seaburn D. Wray, Albany, Ky., served in the Regular Establishment, Troop M, Fourth United States Cavalry, and Troop M, Sixth United States Cavalry, from August 1, 1905, to August 1, 1908. (I. O. 1409943.)

The records of the War Department show treatment in service as follows: March 28 to April 29, 1906, varicocele, large, left side, of three months' duration; March 29, 1906, operation, chloroform and ether anesthesia; June 2 to 6, 1906, malarial fever; February 16 to 24, 1908, contusion, moderately severe, epigastric regions, accidentally incurred by falling from veranda of barracks while trying to take prisoner to guardhouse at Jolo, P. I., all the foregoing in the line of duty.

He filed a claim for pension May 23, 1913, based upon varicocele and injury of breast. It was rejected on the ground that a ratable degree of disability therefrom had not been shown since date of filing claim.

A board of surgeons who examined him February 4, 1914, recommended a rating of \$10 per month for varicocele and \$8 for injury of breast. Another board on April 5, 1916, recommended a rate of \$6 per month for disease of heart or injury of chest and \$6 for injury of congenital organs. Several physicians testified to the existence of the disabilities.

With this bill claimant files his sworn statement to the effect that he owns property valued at \$1,200, encumbered by debts amounting to \$600, and that he has no income except from his labor. Lay witnesses verify his statement as to property and income. Two physicians testify that he is at least one-half disabled for manual labor by reason of his disabilities.

A pension of \$12 per month is recommended.

Page 5, line 19, strike out "12" and insert in lieu thereof "30."

H. R. 5480. Seaburn D. Wray (Rep. p. 24). Additional evidence filed with your committee is that soldier is now completely disabled, unable to walk or help himself, and requires the aid of another person.

Soldier died January 6, 1923, and claim filed by his widow has been rejected on the ground of claimant's failure and manifest inability to prove that soldier's death was due to his service.

In addition to the record of treatment in service the War Department furnished a copy of an affidavit of Sergt. Nicholas C. Hanson as follows:

I was corporal in Troop M, Sixth Cavalry. Corporal Wray was in charge of quarters at Augur Barracks, in Jolo, P. I., I think in February, 1908, but do not remember the date, when at night after 11 p. m., Private Doyle, Troop M, Sixth Cavalry, came in the quarters making a lot of noise. Corporal Wray told him to keep quiet and go to bed, and he, Doyle, told the corporal to go to hell. The corporal tried to make him go to bed, but could not keep him quiet, so the corporal was going to take him to the guardhouse. When they stepped out on the veranda to go down the steps into the courtyard Private Doyle grabbed Corporal Wray around the neck and was going to throw him off the veranda. Corporal Wray wrestled with him and tried to protect himself, but before Corporal Bailey and I could get out they both fell down. It must be at least 20 or 22 feet from the veranda to the ditch, made from cement, where both lay unconscious, Corporal Wray underneath. The officer of the day and the guard came running over, and also the commanding officer, Colonel Rogers, who ordered everybody back to bed.

Wray and Doyle were carried to the hospital, where both remained for some time, how long I don't remember. Corporal Wray used to complain very much about his back, which was black and blue long after he returned to duty from the hospital; and I am of the opinion that the accident occurred in the line of duty. In fact, there is no doubt about it—that it was in line of duty.

In the soldier's claim several persons testified to prior soundness and that after his discharge he complained of his breast and injury of testicle, and medical evidence was filed showing existence of some trouble of lungs or breast about 1914.

A board of surgeons by whom he was examined April 5, 1916, reported as follows:

Age, 31 years; height, 5 feet 10 inches; weight, 167 pounds. Pulse rate, 90-90-120; respiration, 18-18-20; temperature, 99½. Measurements: Rest, 37½; inspiration, 39; expiration, 37. Left testicle: Five inches in circumference, no hernia, no hydrocele, some return of varicocele since the operation, good consistency of testicle, good tension, varicose mass one-half inch in size. Right testicle: Four and one-half inches in circumference, soft and somewhat hypertrophied. He wears a suspensor bandage. No varicocele on left side to any extent; the only result of operation is just a scar just below the external abdominal ring. Left breast shows to have been caved in some time, evidently had been fractured or caved-in ribs, deficient expansion. Lungs normal; heart displaced to right, apex beat can not be seen or felt, no dyspnoea or cyanosis, no dilatation or signs of compensation, there is a blowing sound with first sound of the heart, probably due to some lesion of aortic valve; his nutrition is good; some callous of palms. Urine: S. G. 1024, sugar, no albumen. Fehlings heat and acid tests used. We recommend a rating of \$6 on genital organs, and \$6 on heart and chest.

Claimant was married to the soldier September 28, 1913, and she states she is 37 years of age, and that she bought a small house for \$300 and still owes that amount on it and that her income is less than \$50 per year.

She has filed an affidavit of Dr. S. F. Stephenson, as follows, to show cause of soldier's death:

In relation to the pension claim for compensation of Mrs. Mary A. Wray on account of the death of her husband, Seaburn D. Wray, late a sergeant, Troop M, Sixth United States Cavalry. (Certificate No. 1186955.)

Personally appeared before me, J. G. Sloan, a county court clerk in and for the State and county aforesaid, S. F. Stephenson, a regular practicing physician, whose post-office address is Albany, Ky., well known to me to be reputable and entitled to credit, and, being duly sworn, declares in relation to the aforesaid case as follows:

"That I am 47 years of age and have practiced my profession for the past 25 years. The above-named soldier came to me two or three times for treatment during the latter part of 1912 or beginning or 1913, and I treated him occasionally at different times up to within a short time before his death.

"He had varicocele of the left side. There was a depression over upper portion of left side of chest, with deficiency in expansion over same. There was a slight dullness over upper portion of left lung. He claimed to expectorate phlegm and at times blood. There was a depression on his skull, which he said was caused by a fall while in service. During the last two years or more of his life his physical condition was such that it rendered him wholly incapacitated for performing manual labor of any kind. During the last year or more of his life he suffered with a nervous disease which impaired his mind, and he required the constant aid of another person in caring for him. His disabilities were permanent.

"The disabilities I found in said soldier in 1912 and 1913 grew worse from time to time until his death, which occurred in the early part of 1923, and in my opinion these disabilities were the cause of said soldier's death.

"I am not related to the claimant and have no interest in the prosecution of this claim."

The claimant's statement as to her pecuniary condition is corroborated by witnesses, who also state that she is in very bad health, which they believe is to a great extent due to waiting on her husband, who was helpless for a long time before he died.

A physician testifies that claimant is suffering from general debility, neurasthenia, and disease of heart of such character that she is unable to make a support by manual labor, and that it is his opinion she is unable to make a regular hand at even ordinary housework, and that she is very nervous, pulse very weak, and irritable, and that she has not been well since the death of her husband.

Testimony of two witnesses are with this bill, showing prior soundness and that soldier was in poor health since his service. Legal widowhood has been accepted and accrued pension paid.

The committee recommends a pension of \$20 per month.

H. R. 2060. Joe H. Ross, Creelsboro, Ky., served during the time of peace in Companies B and E, Fifth Regiment United States Infantry, from February 24, 1905, to February 23, 1908; in the Fifth Recruit Company and Company A, Twenty-ninth Regiment United States Infantry, from April 3, 1908, to December 2, 1908, and in the same company from April 6, 1911, to August 28, 1912, when he deserted. A deserter's release was issued in 1917. (Inv. Orig. 1443577.)

The records of the War Department show treatment in service as follows:

April 28 to May 2, 1905, scalded feet from marching with tight shoes; September 27 and 28, 1907, heat prostration; March 27 to April 26, 1909, adenitis, acute, inguinal right nonsuppurative, nonvenereal, cause unknown; April 17, 1909, operation; curettement and injections anus, ether; May 11 to June 2, 1909, lymphadenitis, acute, inguinal, bilateral, nonvenereal, nonsuppurative, cause unknown; May 6 to 14, 1910, adenitis, acute, inguinal, right side, nonsuppurative, cause unknown; June 20 to July 10, 1912, asthma, bronchial, returned to duty. All the foregoing in the line of duty. No additional record of disability found.

Claim was rejected in May, 1923, as follows: Impaired hearing of right ear on the ground of no record in the War Department and no medical or other satisfactory evidence showing origin in Company B,

Fifth Regiment United States Infantry, as alleged, or existence at date of discharge therefrom, and was unable to connect it with the service; and claim for asthma was rejected because soldier deserted from the service in which he alleged incurrence and was therefore barred from pension therefor by the act of April 26, 1898, as amended by the act of May 11, 1908.

The records show that when the soldier enlisted the second time in April, 1908, he stated that he had been treated in February, 1907, which was during his first service, "for right ear."

Claimant's brother, Wirt L. Ross, testified in 1921 that he was in the service with the soldier and noticed that on drill he was unable to hear the commands given and noticed him turn his left ear and heard him say he could not hear as well with the right ear as with the other.

On special examination James Courtney, a comrade of the same company, testified that he noticed that claimant began getting hard of hearing the spring after he enlisted.

Soldier's father testified that his hearing was impaired when he came home from the service and a number of witnesses testified to existence of the trouble in 1908 and since that time.

There is a record of treatment for asthma in the last service from which claimant deserted and evidence shows continuance since, but the act of May 11, 1908, provides—

That any soldier who deserts shall, besides incurring the penalties now attaching to the crime of desertion, forfeit all right to pension which he might otherwise have acquired.

Claimant is 40 years of age and has no property or income, and his statement is corroborated by witnesses, who also state that his hearing has been impaired since the service and he has had asthma and hay fever.

Two physicians have testified as to existence of impaired hearing, asthma, and some eye trouble in recent years, and one of them states that claimant has total deafness of the right ear, and one states disabilities equivalent to the loss of a hand or foot.

In October, 1922, claimant stated to a special examiner that he had never been married.

Upon a careful consideration of the evidence on file the committee is of the opinion that the claimant's impaired hearing of right ear and asthma are due to his service, and in view of the fact that he had two services from which honorably discharged and has been granted a release from the one from which he deserted, it is recommended that he be granted a pension of \$17 per month.

H. R. 2061. James M. Cawood, Evarts, Ky., served during time of peace in the One hundred and twenty-first Company, United States Coast Artillery, from January 14, 1909, to January 13, 1912, and in the general service United States Infantry and Hospital Corps from January 20, 1912, to August 19, 1914, when honorably discharged. (Inv. Orig. 1422999.)

The records of the War Department show treatment in service as follows:

February 9 to 12, 1909, tonsillitis, acute, follicular, bilateral; July 26 to 28, 1909, prickly heat, generally over body; August 12 to 17, 1909, tinea imbricata, general over trunk, due to defective laundry; November 28 to December 1, 1910, acute

constipation; January 8 to 12, 1911, bronchitis, acute, bilateral; March 4 to 16, 1911, mumps, bilateral; November 7 to December 7, 1911, and December 27, 1911, to January 2, 1912, scabies, general; January 20 to 23, 1912, under observation for syphilis, not found to exist; September 23 to October 21, 1912, sprain, severe, lumba muscles, accidentally incurred at depot, September 22, 1912, by suddenly twisting body while lifting a tray of dishes to dumb-waiter, fracture, simple, oblique, of proximal end of second phalanx middle finger left hand, the line of fracture beginning one-fourth inch distal to joint on palmar aspect and extending obliquely into joint, injury accidentally incurred at depot September 5, 1912, while playing ball, by being hit on the end of finger by a thrown ball; December 26 to 30, 1912, bronchitis, acute, catarrhal; returned to duty. All the foregoing in line of duty. No additional record of disability found.

In March, 1916, soldier filed a claim for pension alleging that in 1912 while going to his quarters he was struck by a baseball and his left hand injured, and that he had rheumatism as a result of same. In an affidavit subsequently filed he alleged an injury to his left leg by being struck by a truck.

The claim was rejected December 4, 1916, the injury to leg because it was incurred while on furlough by his own statement and the records, and hence not on the line of duty, and injury of left hand and rheumatism on the ground of no ratable disability.

In May, 1917, another claim was filed for the injury to hand and rheumatism, which has never been adjudicated but apparently abandoned years ago, because soldier could not complete claim for rheumatism. No medical examination was had in that claim.

As to the injury to his left leg the claimant stated that he had been furloughed and sent to the Federal prison at Atlanta to see how he liked the position of head cook there, and that he was struck by a truck heavily loaded with pans and injured, and the War Department records show that he was on ordinary furlough from January 1 to 24, 1914, when discharged in the interest of the United States to accept a position as head cook at the United States penitentiary, Atlanta, Ga., and two witnesses have testified to receipt of injury as alleged January 14, 1914.

Claimant is 36 years of age and states he has no property and that his income is \$300 per year, and witnesses testify he has no property, and a physician testifies as follows as to his physical condition:

I did not know him prior to enlistment but have known him for the past five years, and have lived in the same town, and have treated him for rheumatism of left hand and arm at different times for the past five years.

This or these rheumatic pains which he suffers with are due to an injury which he sustained while in service and from which he will always have rheumatic pains as long as he lives.

One-fourth disability.

P. O. LEWIS, M. D.

The report of the board that examined soldier June 6, 1916, is as follows:

Nutrition, muscular development, and general appearance good. Partial ankylosis second finger left hand—second phalangeal joint ankylosed—second phalanx appears to have been broken, near joint, resulting in the ankylosis. Claimant gives history of pain in left arm and shoulder, which developed about two months after above accident. Then on, however, no objective signs of rheumatism. For above disability to hand this board recommends 6/18.

Claimant has ulcer, outer side left leg, which he claims is result of an accident received while on furlough, but while in the service of the Government. This ulcer is an inch in diameter with a congested and inflamed area of $2\frac{1}{2}$ inches. Claims that injury caused necrosis of outer side of tibia and that pieces of bone have been removed. From appearance of leg an operation to remove diseased tissues will be necessary to effect a cure. Heart, lungs, and kidneys normal.

For this disability this board recommends 5/18.

Other than above no disabilities were found, and in the opinion of this board these are not due to vicious habits.

In view of the record showing incurrence of injury of hand in line of duty and the other evidence referred to above, the allowance of a pension of \$6 per month is believed warranted and is so recommended.

H. R. 2062. Bige Hubbard, Manchester, Ky., served during time of peace, in Company K, Thirteenth Regiment United States Infantry, from August 3, 1908, to August 2, 1911, when honorably discharged. (Inv. Orig. 1398569.)

The records of the War Department show treatment in service from June 10 to June 12, 1911, for rhus poisoning of left leg and ankle.

Soldier first applied for pension August 15, 1911, alleging an injury to his shin bone, from a cut caused by a fall while out walking in service, and rheumatism.

The claim was rejected December 21, 1911, because of no ratable disability from causes alleged. This action was affirmed on appeal May 27, 1912.

Then in November 1912, another claim was filed alleging rheumatism contracted in service. This claim was rejected February 16, 1923, on the ground of no record in the War Department and no medical or other satisfactory evidence of origin in service or existence at and continuance since discharge.

While there is no record of soldier's treatment for rheumatism in the service, two witnesses have testified that he had same in service and a number of persons, including his father and mother, testified that he had, or complained of rheumatism ever since discharge, claim was made for that disease in less than a month after his discharge and a board of surgeons who examined him three months after discharge stated that in their opinion he was entitled to a rating of \$6 per month for same, although they found little evidence of disease.

Claimant is 36 years of age and in 1915 stated he had a wife and two children. He owns a small house worth about \$150 and no income except from his labor. Two witnesses testify in a general way to existence of rheumatism for some years past and state that he is about one-half disabled and a physician testifies to treatment in 1913 and states claimant was then one-half disabled.

It is believed soldier should be given the benefit of the doubt in the case, and it is recommended that he be granted a pension of \$12 per month.

H. R. 2063. Isaac Townsend, Laurel Creek, Clay County, Ky., served in the Regular Establishment in the Fourteenth Company, United States Coast Artillery, from August 16, 1911, to August 15, 1914, when honorably discharged. (Inv. Orig. 1416768.)

The records of the War Department show no treatment in service. Records of physical examination at enlistment shows: Had measles and mumps in 1904; relaxed inguinal rings; adenoids, small; missing teeth, R. L. 8-L. L. 8.

October 24, 1914, claimant filed claim for pension under the general law, alleging that at Fort Greble, R. I., about September, 1913, he contracted rheumatism and disease of lungs and about June, 1914, that he incurred deafness caused by the concussion of heavy guns.

This claim was rejected July 27, 1916, on the ground of no ratable degree of disability shown since date of filing.

Further evidence was filed to the effect that claimant was then disabled by alleged disabilities and had suffered from them from the time of discharge, but the bureau refused to reopen the claim on the ground that the evidence filed failed to show a ratable degree of disability from date of filing claim.

It may be noticed that this refusal to reopen was not based on the ground that a disability did not then exist, but that such disability in a ratable degree was not shown since date of filing.

The certificate of medical examination, dated June 21, 1916, shows as follows:

Age, 22 years; height, 5 feet 7½ inches; weight, 148 pounds; pulse rate, 78-90-102; respiration, 16-20-22; temperature, 99; heart, normal. Pulse rate was taken at 11.30 a. m. Lungs: Normal chest walls; normal respiration, 39 inches; inspiration, 40 inches; expiration, 30 inches.

Says he coughs when hot more than any other time but does cough at other times. Expectorates a clear looking phlegm. Never expectorated any blood. No cavities. The lungs are normal. Has chronic nasopharyngeal catarrh with enlarged turbinates. His cough that he complains of is due to this and not to disease of lungs.

Rheumatism: Gives history of pains in all the joints. No swelling, no atrophy, no hypertrophy, and no contractions. Some crepitation in shoulder joints and slightly tender. Slight tenderness in elbows and knees. Some crepitation in right knee, shoulders. Complains of soreness in back.

Deafness of right ear: Removing the cerumen caused pain and bleeding. The canal is in a state of inflammation; could not detect any disease of the drum. His disturbance of hearing, if he has any, is due to condition of canal, which is temporary, and could be relieved with treatment. He hears ordinary conversation with right ear at 6 feet, left ear normal. This applicant is well nourished and has an unusually good muscular development. Urine straw, 1020, acid, no albumen, no evidence of vicious habits.

We believe this applicant entitled to a rating of six-eighteenths for rheumatism. No other disease existing in a ratable degree.

Filed in support of the pension claim was the testimony of Fred Hornsby, Robert Sizemore, and Dr. P. J. Keith, as follows:

I was personally acquainted with Isaac Townsend before he went into the Army and know that he was perfectly sound at that time. I have seen him constantly ever since he returned in 1914 and know he has been a great sufferer from rheumatism in his legs and shoulders; in fact, he has been able to work but little on account of rheumatism, which makes him limp a great deal and makes it almost impossible for him to stoop over or to do any work requiring exertion. I know that he has to wear plasters behind his shoulders, which are tender, and has been frequently taking medicine for rheumatism and other complaints. I also know that during this time that he has been deaf in his right ear, which has been constantly sore, and that speaking to him on the right side you have to speak very loud. In my opinion he is at least one-half disabled from the performance of manual labor.

FRED HORNSBY.

I hereby certify that I am a neighbor and acquaintance of Isaac Townsend and that I have seen him very frequently and have been perfectly familiar with his physical condition since his discharge from the Army in the latter part of 1914. During this period he has been a constant sufferer from rheumatism to such an extent that he has had to walk very slowly and always limping, and that he can not use his arms easy because of rheumatism in his shoulders. I also know that he has been compelled to wear plasters back of his shoulders, and that he has not been able to do any hard work requiring him to use his arms. I further know that he has been taking remedies for rheumatism and has to consult a doctor at interval. In my opinion he is at least one-half disabled from performing manual labor.

ROBERT SIZEMORE.

To whom it may concern:

This is to certify that I have examined Isaac Townsend, of Laurel Creek, Clay County, Ky., and find the following: Pulse, 84 sitting; temperature, 98%; tongue, thick and coated yellow; heart, normal; lungs, normal; shoulder joints, tender on pressure, painful on motion, with crepitation. There is no swelling of the joints, knees and ankles tender, no swelling or crepitation. Complaints of hot spells and sweats. Plasters on shoulder and hips at this examination. Limp on walking and complains of soreness in calf muscles.

Right ear discharging yellow cerumen; tender on mopping with cotton application; can't determine origin of trouble.

Treatment since August 15, 1916, the salicylates and cleaning of ear canal. I have no interest in this other than his physician and treatment. I believe Mr. Townsend is one-third disabled to do manual labor on account of rheumatism when these attacks are on him.

P. J. KEITH, M. D.

Claimant is 30 years of age. He alleges that he is one-half incapacitated for earning his support by manual labor, by reason of rheumatism, deafness of right ear, and disease of lungs, and asserts that the disabilities originated during his service. He further states that he owns no property and has no income.

The testimony of William Ronions, Gilbert G. Harnsby, Belsie Cole, Green Jansen, Dr. H. C. Hornsby, and Dr. Preston J. Jones, filed in support of the bill, is as follows:

That I have known the claimant, Isaac Townsend, for 22 years.

In the matter of Isaac Townsend, claim for pension, I have known Isaac Townsend all of his life, and that he was a sound young man when enlisted in the Army and have known him since he came back and have heard him complain of having rheumatism and piles, and his hearing is not as good as it was before he enlisted; and he may be able to perform half manual labor, and in regard to property owned by claimant worth about \$150 and has no income. And I am still his neighbor and live about one-half a mile from him.

He owns no real estate. I have worked with him since he returned from the service and have known him to lose as much as two weeks' work on account of his limbs being swollen.

WILLIAM RONIONS.

That I have known the claimant, Isaac Townsend, for 19 years. I am a neighbor of Isaac Townsend, of Laurel Creek, Ky. I further say I have known him all his life, and knew him to be a sound young man when he enlisted in the United States Army, and was his neighbor before he went off and was when he came back, living about one-half mile from him, and his health has been very bad the majority of the time since his return, and I have heard him complain a good deal, and he might be able to perform one-half manual labor. I have worked with him since he came from the Army.

I have heard him complain of having rheumatism in his shoulders and could not use his arms, and his legs have been swollen from some cause. I have talked to him and his hearing is bad. In regard to the property owned by the claimant is one horse and two head of cattle, valued about \$250, and his income is, as far as I know, what he raises on rented land, and he owns no real estate.

GILBERT G. HARNSBY.

I have known Isaac Townsend before he went to the Army and have been personally acquainted with him since he came back. I have worked with him before he went to the Army, and since he came back I have heard him complain with rheumatism since he came back from the Army, and have known him to miss working on account of rheumatism. To the best of my knowledge he is not able to do more than half manual labor; also his hearing is not good as it was.

BELSIE COLE.

I, Green Jackson, of Clay County, Ky., post office Teggers, Ky.; I do know Isaac Townsend; and have known him all his life to be a man who suffers or

complains with something like rheumatism. I have worked with him in the fall of 1919. Have heard him complain with shoulder and legs and have known him to miss work. He was at work with me at the same time when he had to quit work for several days.

GREEN JACKSON.

About the 1st of June, 1919, I was called to see Isaac Townsend, who at that time was suffering from an attack of acute articular rheumatism, localized in the knees and ankles. At that time both knees and ankles were swollen, which condition rendered him unable to walk.

He gave history of having had the first attacks of this rheumatism while in the Army in 1913 and has never gotten well of this disease since that time. He has had from one to two acute attacks per year, each attack lasting from one and one-half to two and one-half months every year. He gives history that he suffers from every joint in his body, especially the shoulder joint. Judging from his history and what I find on examination I should deem him unable to perform manual labor by reason of above-named disability.

Affiant has been a practitioner of medicine for 13 years, and he has no interest in said case and is not concerned in its prosecution.

PRESTON J. JONES, M. D.

I am personally acquainted with Isaac Townsend, having known him ever since he was a child, and I was his father's family physician ever since 1898, and prior to his enlistment in the service in 1911.

He was a stout and able-bodied boy. I knew the claimant after he returned from the service in August or September, 1914, and examined him and found him suffering with partial deafness and also with muscular rheumatism with swelling and stiffness of joints. I put him on treatment in September, 1914, for the above disabilities and have continued up to this date, as I have been his family physician since 1916.

Affiant has been a practitioner of medicine for 21 years, and he has no interest in said case and is not concerned in its prosecution.

H. C. HARNSBY.

Claimant has failed to secure evidence showing existence in service of the alleged disabilities, but evidence indicates that he was sound and healthy before his service, and that since practically immediately after his discharge he was known to suffer from the disabilities alleged, especially from repeated attacks of rheumatism, so it is probable that the trouble originated in service as alleged.

The allowance of pension at the rate of \$12 per month is recommended.

H. R. 2064. Esther Meece, Dykes, Ky., served in the Regular Establishment in Company H, Third Regiment United States Infantry, from February 26, 1912, to February 25, 1915, when honorably discharged. (Inv. Orig. 1454413.)

The records of the War Department show no treatment in service.

The records of physical examination at enlistment show flat feet and slight spinal curvature.

Soldier served in time of peace and has title to pension only for disabilities shown due to his military service and in line of duty.

His only claim for pension was filed August 19, 1921, and it was rejected January 16, 1923, on the ground that the catarrh of head and deafness of left ear was not shown to be due to his military service, there being no record of the same in the War Department or other satisfactory evidence to connect the disabilities with his service.

Two of the claimant's officers stated that they had no knowledge of any physical disability of the claimant while in the service.

Four witnesses stated that they have known the claimant all of his life and that prior to enlistment he was a healthy man, that when he was discharged in February, 1915, and returned home he was suffering from catarrh of head and deafness of left ear.

The affidavits of Dr. J. M. Ratliff and L. I. Farmer relative to treatment of claimant for catarrh and deafness subsequent to his discharge are as follows:

I first attended him January 6, 1916, and I found him suffering with postnasal catarrh and otorrhea of both ears. I next attended him January 15, 1919, and same month, 28th, and February 6 and 12, 1922, May 22, 1922, and I find no improvement.

In my opinion claimant is disabled 50 per cent.

J. M. RATLIFF, M. D.

MAY 22, 1922.

That he is a practicing physician, and has been acquainted with the above-named soldier for about 20 years, and that I have known the soldier for 20 years and have been the family physician of claimant since 1908 and knew him well prior to enlistment, and know that he did not have his present disabilities prior to his service; that had he had said disabilities I would have known same; have been treating claimant since his discharge. Claimant has been suffering from total deafness of left ear since discharge, drum of left ear is entirely gone having been destroyed by catarrh, right ear is partially deaf, can not hear tick of watch three inches away with right ear; has catarrh of nose and throat; he has complained with his head ever since he came from the Army. Have treated claimant at various times since his discharge for catarrhal troubles of nose, throat, and ears. Claimant is unable to do hard manual labor, at times unable to work at all. Would consider him 30 per cent disabled.

L. I. FARMER, M. D.

DECEMBER 21, 1923.

Official medical examination of February 15, 1922, showed catarrh and pharyngitis eight-eighteenths, severe deafness of left ear and slight deafness of right ear. The board rated his disability one-half and recommended \$18 per month.

Claimant is 34 years of age. The evidence filed with the bill shows that he owns no property and has no way to earn a support for himself, wife, and four children.

Medical evidence filed with the bill shows that he is 30 per cent disabled on account of the disabilities named above.

In view of the medical and lay evidence filed showing existence of catarrh and deafness soon after soldier's discharge from the service, it is believed that the claimant should be granted a pension of \$12 per month and it is so recommended.

H. R. 2065. Laura Hendrickson, Fourmile, Bell County, Ky., widow of George D. Hendrickson. (Inv. Ctf, 1211498.)

The soldier was granted a pension of \$17 per month by special act of Congress beginning September 22, 1922, based on the following report:

H. R. 1103. George D. Hendrickson, Fourmile, Ky., served in the Regular Establishment, in Company K, Signal Corps, United States Army, from April 4, 1904, to April 3, 1907. (Inv. Orig. 1424607.)

The records of the War Department fail to show treatment in service of soldier for any disability. He filed a claim for pension August 5, 1916, based upon disease of lungs, heart, kidneys, liver, and stomach. It was rejected without a medical examination on the ground that origin in service was not satisfactorily shown.

Lacy W. Taylor, a comrade, certified that claimant suffered with stomach trouble in the service. Physicians certify to treating him for disease of stomach from 1912 to 1916, when their affidavits were made.

With the bill claimant files his sworn statement to the effect that he is wholly unable to perform manual labor by reason of disease of stomach, liver, kidneys, and nerves, and that he owns no property and has no income.

Evidence, filed with the bill, of neighbors and physicians is as follows:

"B. H. Goodin, who, being duly sworn, deposes and says: That George D. Hendrickson has no property of any kind, character, or description and that he has no income from any source and that he is solely dependent upon his father, friends, and relations for his support and the support of his wife and children. Affiant further says that the said George D. Hendrickson is wholly unable to earn his support by manual labor or any other avocation of life; and that he has been continuously confined to his bed, sick, for the past year, and in affiant's opinion he will not live very long.

"B. H. GOODIN."

"James Linville, who, being duly sworn, deposes and says: That George D. Hendrickson does not own any personal property or real property and that he has no money and no income from any source whatever. That he is now being supported by his father, Gillis Hendrickson, and also by his neighbors and friends, and that he is now sick and confined to his bed, and has been so confined for the past year or more; that he is weak; that he has to have the constant attention of his wife and friends, who wait on him at his bedside. Affiant says that George D. Hendrickson is not able physically to do any kind of work or carry on any kind of business, and in affiant's opinion he will never be able to do anything.

"JAMES LINVILLE."

"Dr. Edward Wilson, who being duly sworn, deposes and says: That he has this day examined said George D. Hendrickson and finds him confined to his bed and to his room, and totally disabled for the performance of manual labor of any kind. Affiant believes that his chances for recovery are very bad; and, further, that his physical disabilities were hastened by his staying in the Arctic region while in the service of the United States Army.

"EDWARD WILSON, M. D."

"L. D. Hoskins, who being duly sworn, deposes and says: That he is a practicing physician and has been acquainted with the above-named soldier for about 20 years, and that he has this day examined said George D. Hendrickson and finds him confined to his bed and to his room and totally disabled for the performance of manual labor of any kind. Affiant further believes that the chance for recovery of the said claimant is very bad, and in fact that claimant has little chance for such recovery. Affiant firmly believes that the present impairment of the said George D. Hendrickson was hastened, if not wholly due, to his staying in the Arctic region while in the service of the United States, as aforesaid.

"L. D. HOSKINS."

A pension of \$17 per month is recommended.

With this bill the claimant states under oath that she is 29 years of age and the widow of the soldier, to whom she was married February 7, 1910, and who died November 4, 1922, of stomach, kidney, liver, and nervous trouble, result of disabilities of service origin. Further states she has no property of any kind and no income from any source.

Her statement as to dependence is fully corroborated by two lay witnesses, who state that the soldier left three children under 16 years of age.

A physician states under oath that she suffers from, and is unable to work by reason of, female ailments.

The Member who introduced this bill advised the examiner that he is well acquainted with the claimant in this case, and that she is a woman of good repute, undoubtedly the legal widow of the soldier, and is in necessitous circumstances.

No claim appears to have been filed in the Bureau of Pensions by the claimant, nor does it appear that she could furnish the evidence required to establish title to pension under the general law (the only existing law under which she could have possible title) in view of the rejection of the soldier's claim on the grounds as above stated. The date and cause of the soldier's death is not shown by either record or medical evidence.

A pension of \$12 per month is warranted for the widow, with \$2 per month additional for each of soldier's minor children until they reach the age of 16 years, and it is so recommended.

H. R. 2066. Edward Hail, Meece, Ky., served in the Regular Establishment, in Company M, Nineteenth Regiment United States Infantry; Company G, Second Regiment United States Infantry; and Company G, Fifteenth Regiment United States Infantry, from January 27, 1905, to January 26, 1908; also served in Company B, Ninth Regiment United States Infantry from October 16, 1908, to June 9, 1909, when honorably discharged. (Inv. Orig. 1385736.)

The records of the War Department show treatment in service as follows:

June 6 to 17, 1905, febricula (fever), in line of duty; December 23 to 25, 1907, acute constipation, in line of duty, returned to duty. No additional record of disability found.

Claim filed September 7, 1909, was rejected in November, 1909, on the ground of no ratable disability from alleged malaria and disease of stomach.

Another claim filed June 9, 1911, was rejected in August, 1921, on the ground of no record in the War Department of treatment for alleged malarial poisoning and disease of kidneys, no medical or other satisfactory evidence of origin of same in service or existence of same and disease of bowels at discharge and continuance since the claimant's declared inability to furnish evidence to establish claim.

Two comrades testified that claimant had malaria and stomach trouble in service.

A physician testified that he examined claimant in 1912 and found him suffering with chronic catarrh of stomach associated with general abdominal tenderness and enlargement of the liver from malaria.

Claimant is about 30 years of age and states that he has property worth \$450 and an income of \$350 and he is corroborated substantially by witnesses.

Dr. C. L. Waddle in an affidavit filed with the committee states that he has known claimant since his discharge from the Army in 1909, and prescribed for him occasionally from that time to 1919 and 1920, when he had him under regular and continual treatment; that he was suffering from chronic malarial poisoning, gastric-enteritis and a nephritis with considerable albuminuria as shown by analysis, and estimates disabilities at one-half.

From the record of treatment in service and claimant's statement when he reenlisted that he had malaria in 1907 and the testimony above referred to, the committee believes that claimant has some disability due to malaria contracted in service, and a pension of \$12 per month is recommended.

H. R. 2075. Benjamin F. Johnson, Whitley City, McCreary County, Ky., served in the Regular Establishment in Company G, Signal Corps, United States Army, from November 23, 1906, to May 18, 1907, when honorably discharged. (Inv. Ctf. 1150112.)

The records of the War Department show treatment in service as follows:

July 12 and 13, 1906, diarrhea, acute; September 30 to October 3, 1906, fever of undetermined type; October 3, 1906, diagnosis changed to typhoid fever; October 3 to December 14, 1906, typhoid fever; December 16, 1906, to February 2, 1907, phlebitis with thrombus formation femoral vein, left leg, manifested by pain and swelling of left leg and foot, following attack of typhoid fever. All the foregoing in the line of duty. No additional record of disability found.

Claimant is pensioned under the general law at the rate of \$12 per month for disease of left leg, the claim being established in the Bureau of Pensions. A claim for increase was rejected May 10, 1921.

The claim on account of piles was rejected first in 1910 on the ground that piles can not be accepted as a result of the disability for which pensioned. The claim for piles was again rejected November 20, 1914, on the ground that a ratable degree of disability has not been shown since date of filing claim for alleged piles, and on December 8, 1915, said claim was again rejected on the ground of no record of piles in the War Department, no medical or other evidence of origin of said disability in service, and claimant's manifest inability to furnish the evidence necessary to establish the claim.

It is proper to state that piles were not alleged as a result of disease of leg, for which he is pensioned, but both the disease of leg and piles were alleged as results of typhoid fever from which he suffered in service.

There has been filed no evidence to show the existence of piles while in service, but the existence of piles was found on medical examination of December 7, 1910, and a rating of \$6 for piles is recommended in the certificate of that examination.

Certificate of medical examination, dated March 9, 1921, shows as follows:

Age, 36 years; height, 5 feet 8½ inches.

Pulse rate, 72-72-74; respiration, 18-18-20; temperature, 98.6.

Hemorrhoids: There are three internal pile tumors, size one-half by 1 inch; they all show signs of previous inflammation. There are also four external tags of rather large size and a short fissure which is tender. There is no other disease of rectum. Rate, 12/18.

Disease of left leg: There are two scars on left leg about 4 inches below left knee; size of one of them is 2 by 1½ inches and the other 2 by 2 inches; both are tender; one is adherent. Applicant states they followed an attack of typhoid fever in 1917 (1907?); he states they occasionally heal, then ulcerate again. Rate, 8/18.

Heart: Apex in fifth interspace action regular; no murmurs, cyanosis, or edema; no hypertrophy; no dilatation.

Chest measures at rest 36 inches; respiration, 38 inches; expiration, 37 inches. Vesicular murmurs clear and distinct; no dullness; no râles.

Urine: Acid S. G. 1018; no albumen; no sugar.

No evidence of vicious habits; no other disability found.

Claimant is 38 years of age. He alleges that he is wholly incapacitated for earning his support by manual labor by reason of a severe case of hemorrhoids and disease of left leg, which he believes had their origin in service as a result of typhoid fever; that he owns a small house and lot in Whitley City, Ky., and his household effects are worth in all about \$1,000; and that his annual income from all

sources consists of his daily wage of \$4.62, when able to work, and his pension. Claimant is a telegrapher. Claimant's allegations as to property and income are corroborated by the testimony of neighbors, who also testify that he suffers from a severe case of piles and is unable to be much on his feet by reason of the condition of his leg.

The affidavit of Dr. Thomas Ralston is as follows:

This is to certify that I, Thomas Ralston, am a practicing physician and have been for 29 years, and that I have this date examined Benjamin F. Johnson, late of Company G, United States Signal Corps, and upon such examination I find him suffering immensely from hemorrhoids, both internal and external, same being inflamed and swollen. Also, he is suffering from disease of left leg, which is badly swollen, and both foot and leg is a mass of varicose veins, greatly enlarged, and seemed to be poisoned from typhoid fever settling in same, and also causing rheumatism in left leg, and left ankle is half stiffened from results of enlargement and poor circulation.

I have treated the above claimant for hemorrhoids a number of times within the last 10 years, and I find that they do not respond to treatment and grow worse. Neither does his leg respond to treatment and remains, and always will be, in bad condition, rendering him permanently a cripple. His hemorrhoids are such that he is not physically able to perform any kind of labor that requires any stooping or straining, and the condition of his leg renders him unable to perform any manual labor where he would be required to stand on his feet. Wherefore, I deem him three-fourths disabled to perform manual labor by reason of the above disabilities, all of which now permanently exist.

I further state that I am not related to the claimant in any way, nor have I any interest whatever in said claim.

THOMAS RALSTON, M. D.

Testimony of physicians is corroborative as to physical condition. All the testimony in the case is apparently that of high-grade persons. After considering all the evidence it is believed that claimant's piles may also be accepted as resulting from the attack of typhoid fever, which caused the disease of left leg for which he is pensioned, and it is believed that the allowance of increase to the rate of \$17 per month is fully warranted, and it is so recommended.

H. R. 2077. Granville Burns, Big Creek, Ky., served during time of peace, in the Thirteenth Battery United States Field Artillery, from July 6 to November 15, 1902, when honorably discharged. (Inv. Cert. 1070958.)

The records of the War Department show treatment in service as follows:

July 30 to November 15, 1902, acute suppurative appendicitis, in line of duty, complication, etc., operated upon August 13, 1902. Discharged on surgeon's certificate of disability on account of painful scar from operation for appendicitis, in line of duty. Degree of disability one-fourth.

No additional medical record found.

Neither the examination form nor outline card shows any physical defect.

Soldier is now pensioned at \$8 per month for wound, the result of operation for appendicitis. Several claims for increase have been rejected, the last rejection having been in February, 1923, when a medical examination was denied. In the last claim a physician testified that claimant's abdomen was rigid and tender with adhesions following an appendiceal operation, that his side hurt and he was unable to do hard labor on this account, and that he had indigestion from this cause with a history of same since operated upon, and that he had a scar on his left leg as a result of an infection from the operation.

He stated disability objectively and subjectively at 50 per cent.

Claimant is 49 years of age and states he owns a cow and a mule worth \$150 and that he has no income, and witnesses corroborate him.

A physician testifies as follows:

I have known the applicant, Granville Burns, since 1900. Have been his family physician more than half this time. He was a stout, robust man in good health prior to his induction into the service.

Since his discharge from the service he has complained at all times with his right side and claimed he was in poor health, as a result of an operation for appendicitis.

Physical examination reveals tenderness over region of appendix; scar healed and tender on pressure; there is internal adhesions as result of the operation that cause him pain when he moves or lifts.

He has an arrested tubercular infection of his left lung. Right lung negative.

As a physician I would say this applicant is one-half disabled to do manual labor on account of sequella of operation and arrested tuberculosis.

P. J. KEITH, M. D.

NOVEMBER 19, 1924.

The only disability shown due to service is that due to the operation for appendicitis, and it is believed allowance of some increase is warranted.

An increase of pension to \$12 per month is recommended.

H. R. 2078. Robert L. McFarland, Albany, Clinton County, Ky. (Inv. Ctf. 1101504.)

Claimant was granted increase of pension by special act at the rate of \$17 per month from July 11, 1918, said action being based on the following report:

S. 2612. Robert L. McFarland was a private in Company M, Seventh United States Infantry; he was enlisted July 29, 1903; served in the Philippine Islands, and was discharged at San Francisco, Calif., June 10, 1904, on surgeon's certificate of disability on account of—

"Amputation of left thumb and stiffness of left index finger. Incapacitated by being unable to use left hand properly and by being unable to handle the rifle. Cause, accidentally cut himself with a dull cleaver while at work as cook at Maligi Island, P. I., November 30, 1903. In line of duty."

Soldier is now pensioned under certificate No. 1101504 at \$12 per month on account of loss of left thumb and injury to left index finger, with resulting loss of same, incurred in the service and line of duty. This was allowed him January 7, 1905, to date from June 22, 1904. Claim for increase filed January 11, 1915, was rejected February 19, 1916, and claim for additional disabilities—stomach trouble, catarrh, and partial deafness—was rejected on the ground of insufficiency in the evidence to connect them with the military service.

There is evidence of three comrades, not of a high grade, it is true, to the effect that soldier contracted the stomach trouble, catarrh, and deafness in the service, and two neighbors testify to continuance since discharge.

Dr. J. A. Sloan said that soldier was sound at enlistment; also that he treated soldier latter part of 1904, after his discharge from the Army, for nasal catarrh and stomach trouble (chronic gastritis); treated him for two or three months.

Dr. F. W. Huddleston, testifying March 7, 1906, said that he treated soldier for a period of five months from June, 1905, for chronic gastritis.

Soldier was first examined August 3, 1904, by a full board of surgeons and rated \$12 on loss of thumb and finger. When next medically examined July 19, 1905, he was rated \$12 on loss of left thumb and index finger and \$4 on disease of stomach, and reported to be suffering from catarrh, with slight impairment of hearing of right ear. He was last medically examined December 1, 1915, by the Burkesville, Ky., board of surgeons, who reported, in part, as follows:

"Amputation of index finger and thumb of left hand result in great loss of function. The tenderness of thumb scar interferes seriously with the performance of manual labor.

"Right ear, hearing normal. Left ear, slight deafness; can not hear ordinary conversation at 4 feet, but can hear ordinary conversation at 2 feet. Nasopharynx and pharynx inflamed; some muco-purulent discharge; eustachian tubes open; external auditory canal shows nothing abnormal. Tongue red, dry, and enlarged. Stomach, tender on pressure; liver dullness extends 2 inches below

margin of ribs; spleen normal; anemia slight. Heart rapid, irregular, and very weak; apex beat not discerned on inspection or palpation; heart enlarged to the left, no murmurs, dyspnea, cyanosis, or edema. We recommend that he should have a rating of \$12 for his hand and \$6 on hearing and heart."

Accompanying the bill is evidence of neighbors to the effect that soldier is now, and has been since his discharge from the Army, suffering from catarrh and stomach trouble and is not able to perform hard labor at all, and at times is only able to do the very lightest work.

Also medical evidence that soldier is suffering from loss of left index finger and thumb; also indigestion and catarrh, resulting in injury to hearing; that the disabilities are of such a nature as to incapacitate him for the performance of any manual labor at times, and at other times he can only do light work.

Soldier is 41 years of age and, as the evidence shows, very poor and without property or other income than his pension.

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

Claimant is 47 years of age. He alleges that he is wholly incapacitated for earning his support by manual labor by reason of loss of thumb and index finger of left hand and catarrh and resulting disease of lungs, and that he has no property or income other than his pension.

The testimony of K. E. Huddleston, John Grider, and Dr. J. A. Sloan filed in support of the bill is as follows:

I have been intimately acquainted with claimant 40 years. I have had a good opportunity of observing his physical condition; he was a sound man at enlistment, for he has lived nearly all the time since birth near me. As a neighbor he has lived on my farm, as a renter, on several different times. He is now living on my farm. The claimant's physical condition has been getting worse for the last five years, until now he is disabled to the extent of three-fourths from manual labor. He can make about one-fourth of a hand for manual labor. Claimant has no property of any kind, neither real nor personal; no income except \$17 a month pension. Neither has his wife any property. Claimant complains a great deal of catarrh of head and throat and complains of lungs giving him trouble; he has a cough.

K. E. HUDDLESTON.

I have been intimately acquainted with the claimant for 40 years. I have had a good opportunity of observing claimant's physical condition. I have lived a near neighbor to him nearly all the 40 years, except very few years. Claimant is now unable to such an extent that he is unable to perform manual labor more than one-fourth time and has been this way about five years. He has catarrh of head and complains of his lungs; he has a bad cough. The claimant lost left index finger and thumb to left hand while in service. The claimant does not own any property of any kind, no land nor personal property; neither does his wife own any. Claimant has no income except his pension of \$17 per month. I know claimant was sound at enlistment for he lived on my farm and was a good, stout man.

JOHN GRIDER.

That he is a practicing physician, and has been acquainted with the above-named soldier for about 35 years, and that I was well acquainted with the claimant at the time he entered the service in 1903, and that he knows from examination that the claimant was sound at the time he entered the service.

I have examined him several times since that date as to his complaints, and that he lost left index finger and thumb, left hand, while in service. I have also examined him for catarrh of head and find him suffering from nasal catarrh, and I have also heard him complain of his right lung, and have given him prescriptions for same about six months ago. While I do not believe he has tuberculosis, yet he has some lung trouble that he suffers from that gives him a great deal of trouble, and he also had a cough. He is not able at this time to do more than one-fourth manual labor. I did not treat claimant while in service, but soon after he came home from the service. I have no interest in the prosecution of this claim and my post-office address is Albany, Ky.

He further declares that he has been a practitioner of medicine for 31 years.

J. A. SLOAN, M. D.

In the allowance of increase of pension by special act claimant's impaired physical condition was in effect recognized as being probably the result of his military service, although it was mentioned that evidence of origin was not of a high grade.

It appears that his condition has become worse since that time and the allowance of increase of pension to the rate of \$24 per month is recommended.

H. R. 2244. Emma J. Mason, Frankfort, N. Y., is the legal widow of Nathaniel H. Mason, alias Dennis Carroll, who served in the Regular Establishment during no war, in Company H, Sixth Regiment United States Infantry, from May 10 to October 14, 1878, when honorably discharged on a surgeon's certificate of disability. (Inv. Cert. 181881.)

The records of the War Department show treatment in service as follows:

May 23 to 27, 1878, inflammation of pleura; May 31 and June 1, 1878, constipation; June 22 to 25, 1878, catarrh; August 27 to September 1, 1878, convulsions; September 8 to 11, 1878, headache; September 29 to October 15, 1878, hypertrophy of heart. Discharged from service October 15, 1878, on surgeon's certificate of disability because of valvular heart disease, attended with hypertrophy and dropsy of heart. He is also subject to fainting fits and dyspnoea the result of the above affection. No additional record of disability found.

He was discharged on account of valvular heart disease attended with hypertrophy and dropsy of the heart and fainting spells and dyspnoea, the result of the above affection. The captain in charge at the date of soldier's discharge stated that in his opinion the soldier's disabilities were not due to his military service. However, after carefully considering the evidence filed with the case the soldier was granted a pension for epilepsy and injury to left hand, due to epilepsy, by the Pension Bureau. His first application was filed March 12, 1879, and at the time of his death he was pensioned at the rate of \$30 per month.

The soldier died August 4, 1920, and the widow's claim for pension was rejected on the ground that the soldier's death from diabetes with disease of heart could not be accepted as a result of epilepsy and injury to left hand, for which he was pensioned.

Claimant married the soldier February 22, 1887, and lived with him until he died. Legal widowhood has been established and accrued pension paid.

Claimant is 72 years of age, and is shown to be unable to work on account of organic heart trouble, arteriosclerosis, and anemia, due to old age. It is also shown by the evidence that she has no relatives able to support her, that she has no income or property, except a small house in Frankfort, N. Y., worth about \$2,000, and receives \$5 per week from roomers.

It is believed that the soldier's epilepsy, for which he was pensioned, and the heart trouble he had in the service, were factors in the death cause, if not the immediate cause, and it is recommended that claimant be granted a pension of \$12 per month.

H. R. 2246. Benjamin F. Doxtater, Soldiers' Home, Bath, Steuben County, N. Y., served during the war with Spain, in Company G, Second New York Infantry, from June 27 to November 1, 1898; in Company H, First United States Infantry, from December 12,

1898, to December 11, 1901, when honorably discharged. (Inv. Orig. 1416932.)

The records of the War Department show treatment in last service for a furuncle on left thigh, abscess on left foot and dengue fever.

A claim under the general law was rejected in July, 1915, because of no disability from alleged fever and rheumatism. Another claim was filed in May, 1917, which has apparently been abandoned. No disability has been shown due to service.

A claim under the act of June 5, 1920⁴ was rejected March 4, 1917, on the ground of no ratable disability independent of the effects of specific disease.

Certificate of medical examination September 26, 1923, showed that soldier had locomotor ataxia and required aid and attention and a Wassermann test made in January, 1924, showed 4 plus.

Soldier is 48 years of age, and states he has no property but witnesses testify that he and his wife own a small home and that the wife works in a mill.

A physician testifies that claimant is suffering from locomotor ataxia, syphilis, heart disease, and constipation, and wholly incapacitated.

While this soldier's condition appears to be due to specific disease he is in a bad condition and has a wife who has to work in a mill and he had a service of over three years and during the war with Spain, and your committee recommends that he be given a pension of \$12 per month.

H. R. 2274. Laura G. Weisenburger, Spokane, Wash. (Widows Certificate 531669.)

The claimant was granted a pension of \$25 per month by a special act of Congress approved April 4, 1902. Said action was based upon the following report:

H. R. 7755. The claimant, Laura G. Weisenburger, of Whatcom, Whatcom County, Wash., is the widow of John J. Weisenburger, who was major of the First Washington Volunteer Infantry from April 30, 1898, to November 1, 1899, in the war with Spain. Major Weisenburger died June 5, 1901, and on August 5, 1901, his widow, this claimant, filed an application at the Pension Bureau, alleging that his death was caused by abscess of the mastoid cells incurred in the service and line of duty. Dr. E. W. Brown, who was assistant surgeon of Major Weisenburger's regiment, testified that he was with the soldier all through the service and that the latter remained well until about February, 1899, when he began to have indigestion, diarrhea, and malaria; at this time he was much exposed in the trenches in front of San Pedro, P. I., under fire each day and night for five weeks; witness gave him medical treatment but he never left his command. On April 27, 1899, a very hot day, and after a sharp engagement, witness found soldier suffering from heat exhaustion, and after that, in addition to his bowel trouble, he had pains about the head, and after the rainy season started in August he was troubled with catarrh, which, no doubt, also caused pain in his head.

Witness further swears that from his discharge he saw the soldier several times, and, while he was able to attend to his work, he was not in the same robust health as before his enlistment, and in witness's opinion the sickness causing death was the result of general debility incurred in the line of duty.

Dr. E. Vansant swears that when the soldier returned from the service he did not have the robust appearance and strength that he previously had, and suffered from great lassitude and constant decline of vigor and energy, complained of pain in region of right ear, throat, and base of head; witness attended him professionally during his final illness, and the immediate cause of his death was an abscess of the mastoid cells, his lower right ear, and the throat. This witness also gives it as his opinion that the disease resulted from severe Army service, and Dr. S. M.

Kelley, another physician who had had the soldier's case under observation, corroborated Doctor Vansant in every particular. It is also shown by these witnesses that Major Weisenburger's habits were perfect at all times.

There is no record of treatment for the fatal abscess of mastoid cells in the service, the disease appearing to have developed after discharge, and the Pension Bureau held that the proof submitted was insufficient to establish service origin, and the claim was therefore rejected. In her petition claimant states that all the property she has is the house in which she lives, worth not over \$1,000, her household goods, and 5 acres of wild land, worth about \$250; she is 44 years old, and has one child now aged 16 years. She married Major Weisenburger December 22, 1880.

The committee, after a careful consideration of all the evidence, believes that the evidence tends to show that the soldier's fatal disease grew out of the hardships of his Army service, and that his widow is entitled to the pension of \$25 per month provided by law for the widows of officers of this rank, and the passage of the bill is therefore respectfully recommended with the following amendments:

Strike out all in the bill after the words "Laura G. Weisenburger," in line 6, and substitute therefor the following "widow of John J. Weisenburger, late major, First Regiment Washington Volunteer Infantry, war with Spain, and pay her a pension at the rate of \$25 per month."

With the papers the Member who introduced the bill filed a letter addressed to him from Lieut. Col. Charles King, retired, who stated that he had under his command at Manila, in 1898 and 1899, Major Weisenburger (the claimant's husband) and that he was an unusual type of officer, prompt, courageous, and reliable and especially so during engagements with the enemy. He also stated that "Weisenburger" was unquestionably the best field officer of the First Washington Volunteers.

The claimant is 66 years of age, and it is shown that she and her daughter together own their home and several vacant lots worth in all about \$3,500, and that the claimant has no income other than her pension.

A physician states as follows:

That he is a practicing physician, and has been acquainted with the above-named claimant for about one and one-half years, and that she came to me on June 8, 1922, suffering with cancer of the rectum, and on June 10 and on June 27, 1922, respectively, I performed the two stages of the operation for the complete removal of the rectum, which included the cancer, and at the same time I performed a permanent colotomy, bringing the end of the intestine out through the left rectus muscle. She was under my immediate care for 71 days, being discharged from the hospital August 22, 1924.

R. C. COFFEY, M. D.

In consideration of the distinguished service of the claimant's husband during time of war and her poor physical and financial condition, it is recommended that her pension be increased to \$35 per month.

H. R. 2292. James A. J. Yokum, Riddle, Oreg., served during the Rogue River Indian wars in Capt. Ed. Sheffield's company (A), Second Regiment Oregon Mounted Volunteers, from February 13 to May 10, 1856, when honorably discharged. (I. W. S. cert. 5055.)

He is pensioned at the rate of \$20 per month under the Indian war pension acts.

Claimant is 88 years of age.

The evidence filed with the bill shows that he owns 43 acres of land and one cow, all valued at \$1,000; that he has practically no income other than his pension of \$20 per month, is very feeble and almost blind.

He lives with his son.

The committee recommends that claimant's pension be increased to \$30 per month.

H. R. 2293. Katharina Sparks, Jacksonville, Oreg., is the widow of Wesley R. Sparks, who served in the Regular Establishment, in Company A, Ninth Regiment United States Infantry, from June 25, 1881, to June 19, 1882, when discharged on account of loss of greater part of both feet from frostbite incurred in the line of duty. (Wid. Orig. 1211683.)

The soldier was pensioned at \$24 per month for loss of parts of both feet from frostbite.

He was married to the claimant September 4, 1892, and he died September 26, 1923, from a cancer of the head of the pancreas (gland in abdomen), according to the public record of death.

The widow's claim for pension has been rejected on the ground that the fatal disease was not a result of the loss of parts of feet for which soldier was pensioned nor shown to have been otherwise due to his service.

After rejection some testimony was filed showing that because of his crippled condition soldier would often fall and Dr. Chas. T. Sweeney, his physician, testified as follows:

I, Charles T. Sweeney, of Medford, Oreg., being first duly sworn, depose and say that I am a resident of Medford, Oreg., and a duly licensed practicing physician, and that I attended Wesley R. Sparks, of Company A, Ninth United States Infantry, during the last three or four years of his life, and have personal knowledge of his suffering from frequent falls and injuries due to his disability received while in the service of the United States.

One instance in particular, when he fell on his stomach, caused him internal injuries and pain for weeks, which was followed by the diseased condition in his liver and pancreas which resulted in his death.

Further affiant sayeth not.

CHAS. T. SWEENEY, M. D.

FEBRUARY 6, 1924.

Reopening of claim has been denied.

Another affidavit of Doctor Sweeney has been filed with the committee in which he states as follows:

I was the attending physician of Wesley R. Sparks, member of Company A, Ninth United States Infantry, that he was lame from a partial amputation of both feet, was able to earn only a meager livelihood, and died from abdominal complications following a fall, which injured his abdominal organs. His inability to earn money made him a poor man, leaving his widow, Mrs. Katharina Sparks, who is now aged and unable to work, with but little to live on and no property to bring in any income.

CHAS. T. SWEENEY, M. D.

MARCH 31, 1924.

Claimant is 55 years of age and owns no real estate and only a small amount of personalty and is without any income. She has a daughter in school and a son, doing what he can to help support.

Claimant has filed with the committee her marriage certificate, apparently a genuine document, and evidence showing that she is the legal widow of the soldier.

War Department report shows soldier had no Indian war service.

The committee recommends a pension of \$12 per month.

H. R. 2296. Hattie A. Cruson, Lebanon, Oreg., is the widow of George W. Cruson who served in Company G, Thirteenth Regiment United States Infantry from April 22, 1867, to April 22, 1870, when

honorably discharged because of the loss of his left arm from a wound received in action against hostile Indians. (Indian War Wid. Orig. 16929.)

The soldier was pensioned for loss of his left arm in service and was receiving \$72 per month when he died.

The widow has no title under the general law, as soldier died at the age of 75 years of a cerebral hemorrhage.

Her claim under the act of March 4, 1917, had been rejected because soldier did not serve in any Indian war or campaign named in the act.

She was married to the soldier October 27, 1878, and he died October 26, 1923. She is now 68 years of age, and states that she has a small, old dwelling worth \$1,500 and another lot worth the same, with a mortgage for \$1,000 on the property and \$600 unsecured notes, and has no income, and witnesses corroborate her.

A physician testifies that she is not physically able to support herself and suffers severely with neuritis which is progressive. Legal widowhood established and accrued pension paid. She has not remarried.

While soldier did not serve in any Indian campaign named in the act of March 4, 1917, The Adjutant General, United States Army, reports that some time prior to October 31, 1867, soldier with his company moved to Fort Ellis, Mont., and remained at or in the vicinity of that post until about January 1, 1870, except during short periods of escort duty and out in the field with his company (April, 1869) against hostile Indians.

He received the wound which caused the loss of his left arm in action against Blackfoot Indians.

The Committee believes the claimant should be regarded as the widow of an Indian war soldier and granted a pension of \$12 per month.

H. R. 2298. Hezekiah C. Cotner, Oregon State Soldiers' Home, Roseburg, Oreg., served during the war with Spain in Company D, Second Regiment Oregon Infantry, from April 26, 1898, to August 7, 1899, when honorably discharged. (Inv. Ctf. 1174766.)

No existing disability being connected with the service, the soldier was granted a pension of \$17 per month by a special act approved August 13, 1914.

He is now pensioned under the Spanish war act of June 5, 1920, at \$30 per month, the maximum rate.

He has no property or income other than his pension and is 71 years of age.

A physician describes his physical condition as follows:

That he is a practicing physician and has been acquainted with the above-named soldier for about one month. I have this day examined the above-named applicant and find total loss of sight in right eye. Left eye, vision very defective, 80 per cent. I also find that he is suffering from heart disease in that he has a mitral stenosis. He has an advanced arterio sclerosis. Blood pressure systolic 180, diastolic 100. His physical condition is very much below that for a man of his age. Due to the above-named conditions I find the applicant unable to wait upon himself and should have the constant care and attendance of another person.

CHARLES B. WADE.

The physician of the Oregon State Soldiers' Home stated December 30, 1924, that claimant has been under his care at various times

for several years and on account of failing eyesight and general physical condition claimant is unable to perform any manual labor.

Claimant has a wife in Portland, Oreg., to support.

An increase of pension to the rate of \$40 per month is recommended.

H. R. 2321. Sarah E. Smith, Pratt City, Ala., is the widow of William I. Smith, who served during no war in Company G, Tenth Regiment United States Infantry, from August 8, 1893, to November 7, 1896, when honorably discharged. (Wid. Cert. 736424.)

Claimant is in receipt of a pension of \$12 per month and has been drawing the same since the day after the soldier's death on November 6, 1904. The soldier's death was due to his military service and \$12 per month is the maximum rate of pension allowed under existing pension law to this class of cases.

The claimant is 56 years of age and married the soldier April 18, 1896.

Evidence filed with the bill shows that she owns no property and has no income or children that contribute to her support.

A physician states that the claimant is unable to work on account of kyphosis (vertebral disease of the spine), and that her back is very tender on pressure.

The Member who introduced the bill stated that the widow is destitute and incapacitated for any work and living on charity.

An increase of pension to \$20 per month is recommended.

H. R. 2353. Seth S. Crosby, Gig Harbor, Wash., served during the war with Spain, in Troop G, Fourth Regiment United States Cavalry, from August 7, 1897, to August 6, 1900, when honorably discharged. (Inv. Cert. 1196376.)

The records of the War Department show treatment in service for measles, malarial fever, boils, and a number of times for chronic diarrhœa, all in the line of duty.

His claim under the general law filed February 28, 1901, was rejected on the ground that he was not shown to have been ratably disabled on account of diarrhœa, dysentery, affection of eyes, cerebral congestion, measles, and abscess on thumb as alleged.

Claimant is in receipt of a pension of \$24 per month under the Spanish war act of June 5, 1920. His claim for increase of pension under this act was rejected July 8, 1924.

Official medical examination of May 14, 1924, is as follows:

Claimant is somewhat underweight. No anemia or jaundice. Hearing and vision are normal. The teeth and tonsils are in good condition. The chest shows an irregular scar on the anterior surface directly below the left clavicle running from the inner third of the clavicle outwards to the shoulder joint. A scar four inches in length is seen on the anterior surface of the shoulder. Scars from drainage stab wounds are seen on the posterior surface and at the middle of the humerus. All scars are well healed and there are no sinuses. The head and upper part of the shaft of the left humerus has been resected. He has a frail joint. Abduction is completely destroyed and he is unable to raise his arm. Function is impeded 75 per cent. The heart and lungs are normal.

Claimant has a bilateral inguinal hernia. The right protrusion is $2\frac{1}{2}$ by 2 inches. It passes the external ring and extends into the scrotum. The left is $1\frac{1}{2}$ by 1 inch. It is lodged in the inguinal canal and does not pass the external ring. Both hernias are easily reduced. Claimant wears a well-fitting truss over the right hernia but is unable to use one on the left side due to a discharging sinus over the pubic bone toward the left. A sinus is also seen on the left side of the scrotum. Both sinuses are discharging freely. There are several scars on the

lower abdomen and in the perineum from old healed sinuses. The left leg is $1\frac{1}{2}$ inches short. The pelvis is tilted. Claimant walks with a limp but does not require a cane.

The liver is normal in size. The spleen is not palpable. No tympanites or areas of tenderness. The rectum shows three small internal hemorrhoids one-half inch in diameter. They are not inflamed and do not bleed. No external piles, fissures, fistula, or prolapse. Urinalysis clear, acid, specific gravity 1.024; albumen negative, sugar negative. Reflexes and nervous system are normal. No evidence of vicious habits. We rate this claimant total disability on account of the condition of his left shoulder, bilateral hernia, and necrosis of the pelvic bones.

The soldier is 47 years of age and has a wife and one child under 16 years of age. He owns no property other than a poor farm assessed at \$345 (mortgaged for \$1,500), 200 chickens, and one cow. His income is from his chickens and pension.

A physician states that claimant is wholly incapacitated for earning his support by manual labor on account of resection of upper end of left arm rendering it unfit for labor, large inguinal hernia on each side, and suppurating sores. Another physician stated that claimant has osteomyelitis of the pelvic bones, with suppurating sinuses. Operation on arm was on account of necrosis. Claimant has been in the hospital several times for operation. His disabilities are not due to vicious habits.

Claimant is shown to be wholly disabled for the performance of manual labor and in a very poor physical condition; had considerable service in the Philippines, and is needy.

Your committee recommends that his pension be increased to \$40 per month.

H. R. 2392. George W. Pinion, Chattanooga, Tenn., served during the war with Spain in Company L, Third Tennessee Infantry, from April 25, 1898, to January 31, 1899, when honorably discharged, (Inv. Cert. 1178270.)

The records of the War Department show treatment in service as follows:

May 19 to 21, 1898, diarrhea; May 21 to 26, 1898, rheumatism; May 26 to 31, 1898, chafed heels, in the line of duty (diagnosis also shown as "sore feet"); June 2 to 5, 1898, coryza; June 7 to 8, 1898, indigestion; returned to duty. No additional record of disability found.

Having failed to connect disability with his service, soldier was granted a pension of \$17 per month by a special act approved August 19, 1916. He is now pensioned under the act of June 5, 1920, at \$30 per month, the maximum rate.

Claimant is about 47 years of age, and in 1920 stated he was not married.

He has no property and no income except his pension, and medical and other evidence shows that he is a helpless invalid, confined to a wheel chair, and has been for years.

The board of surgeons who examined him November 20, 1920, stated that he was utterly helpless.

A picture of the claimant has been filed with the evidence.

An increase of pension to \$50 per month is recommended.

H. R. 2552. Allen F. McAfee, 117 Evans Street, Pottstown, Pa., served during the war with Spain in Battery C, Pennsylvania Light Artillery, from June 15 to November 28, 1898, when honorably discharged. (Inv. Cert. 1207215.)

The records of the War Department show treatment in service for diarrhea.

Claimant, since October 28, 1921, has been drawing the maximum rate of pension allowed under the Spanish War act of June 5, 1920 (\$30 per month).

This action was based upon official medical examination of July 26, 1922, which disclosed that claimant had chronic fibroid tuberculosis of both lungs and a constant discharge from the rectum due to abscesses and a permanent fistula.

Claimant is 48 years of age and married.

It is shown by the evidence that he owns no property and has no income other than his pension.

A physician states that claimant has had numerous hemorrhages from the lungs and by reason of tuberculosis is totally unfit to do work of any kind. Witnesses make the same statements.

Your committee recommends that the claimant's pension be increased to \$50 per month.

H. R. 2569. Mary K. Stegle, 928 Wyoming Street, San Antonio, Tex., is the widow of Gebhard Stegle, who served in the Regular Establishment against hostile Indians, in Company G, Seventeenth Regiment United States Infantry, from May 22, 1866, to May 22, 1869, and in Troop H, Fourth Regiment United States Cavalry, from October 20, 1869, to February 2, 1872, when honorably discharged on account of disability, "gunshot wound of the abdomen received in action with Indians on Fresh Water Fork of Brazos River, Tex., October 17, 1871." (Inv. Cert. 129376, I. W. W. Orig. 14925.)

At the time of his death the soldier was in receipt of a pension of \$17 per month, allowed under the general law, for gunshot wound of left side resulting in affection of left lung, loss of fourth finger of right hand, and resulting impaired use of arm and hand.

Widow's claim under the general law was rejected on the ground that the soldier's death from senile debility was not a result of his military service. Her claim under the Indian war act of March 4, 1917, was rejected on the ground that the soldier did not serve in any Indian war or campaign named in that act.

The soldier's attending physician at the time of his death stated under oath, March 3, 1923, in part, as follows:

That deponent further says that as the said Gebhard Stegle grew older in years he complained of the pain in his left side as gradually increasing; that during the last 10 days of deceased's illness prior to his death he was constantly delirious, and while in such delirious condition he would continually beg for relief from the pain in his left side. This deponent further says that from his observation of this case it is his opinion that as Gebhard grew older his resistance to the ever-increasing pains in his left side grew correspondingly weaker; that lesions formed in his left side as the result of the gunshot wound caused the pains complained of by the deceased, and that his resistance to these pains gradually weakened until the pain finally wore him out completely and at the same time sapped his strength and bodily resistance, thus hastening if not directly causing his death at the time it occurred.

This deponent further says that he is 61 years of age and has been a practicing physician for 35 years.

C. M. DECKER, M. D.

The Adjutant General's statement relative to the soldier's service against hostile Indians is as follows:

The records show that Gebhard Stegle enlisted May 22, 1866, at Cincinnati, Ohio, to serve three years. He was assigned to Company G, Seventeenth United

States Infantry, and was honorably discharged May 22, 1869, at New Orleans, La., a private, by reason of expiration of term of service. He again enlisted October 20, 1869, at Jackson Barracks, La., to serve three years, and was assigned to Troop H, Fourth United States Cavalry, which he joined November 18, 1869, and was honorably discharged February 2, 1872, at Fort Griffin, Tex., a private, on surgeon's certificate of disability, due to chronic peritonitis, the result of a penetrating gunshot wound of the abdomen received in action with Indians on Fresh Water Fork of Brazos River, Tex., October 17, 1871, while on scout for three months under the command of Col. R. S. Mackenzie, Fourth United States Cavalry; degree of disability, one-half.

It does not appear that this soldier during his enlistment May 22, 1866, served in the campaign against the Cheyennes, Arapahoes, Kiowas, and Comanches in 1867-1869, nor in the zone of that campaign.

Claimant is 71 years of age and was married to the soldier March 27, 1886, and he died November 1, 1921. The evidence clearly shows that claimant is the soldier's legal widow and that she has not remarried. The accrued pension was paid to her.

It is shown by the evidence that she owns a house worth \$1,000 and that she has no income.

A physician states that claimant has senile cataracts, that she has only light perception of the right eye, and that the other eye shows signs of beginning cataract and the vision is rapidly failing.

From the above it is quite clear that this claimant's husband had as much and probably more service against hostile Indians as some who are pensioned under the act of March 4, 1917.

He is shown to have been on a scout with his troop for three months against Indians and while on this scout was severely wounded in action against hostile Indians.

A pension of \$12 per month is recommended.

H. R. 2577. Mary Elizabeth Carson, Blanco, Tex., is the widow of Robert Carson, who served during the Texas and New Mexico Indian war in Captain Connor's company, Texas Mounted Volunteers, from March 7 to July 18, 1851, when honorably discharged. (I. W. W. Cert. 8090.)

Claimant was married to the soldier December 25, 1860, and he died November 30, 1912.

She is now pensioned as his widow at \$12 per month under the act of March 4, 1917.

She is 84 years of age, and states she has 202 acres of land worth \$5,000, and that her income averages \$200 per year; and testimony shows income of from \$200 to \$300, and that she has a widowed daughter who cares for her and who is unable to work on account of the claimant's condition.

A physician testifies that she is partially paralyzed and not able to do any work at all.

An increase of pension to the rate of \$20 per month is recommended.

H. R. 2743. Roy Elrod, 1105 Henry Street, Johnson City, Tenn., served in the Regular Establishment, in Company C, Twenty-ninth Regiment United States Infantry, from May 11, 1904, to March 11, 1907, when honorably discharged. (Inv. Ctf. 1164265.)

This soldier is now pensioned at the rate of \$6 per month under the general law for a fracture of the right clavicle incurred in the

service, and last claim for increase was adjudicated in 1914 and rejected.

He is 43 years of age, and testimony shows that he has a wife and five small children, and has a small house worth about \$800, and that he is blind, and he states his income is his pension.

Testimony shows that in October, 1918, while he was working for the Clinchfield Products Co., there was an explosion and both his eyes were blown out, and his face and head badly burned.

A physician testifies as to the accident and resulting blindness, and states claimant also has rheumatism and that he has large callus in outer third of right clavicle that is result of the fractured bone.

Testimony filed with the committee shows that claimant brought suit for damages against the Clinchfield Products Co. and was awarded \$10,000 by the jury, but the case was appealed and pending the appeal a settlement was made, and in June, 1920, he was paid \$5,500. It is shown that with this he paid attorney fees, debts, living expenses, and bought the house he now owns, and that it has all been used up.

The only disability shown due to service is the fracture of the clavicle, from which there does not appear to be very much disability; yet in view of his deplorable condition and needy circumstances he should be rated as liberally as possible for his injury incurred in the service, and the committee recommends an increase to the rate of \$12 per month.

H. R. 2747. Noah H. Stout, Carter, Tenn., served during the war with Spain in Company D, Third Regiment Tennessee Infantry, from June 17, 1898, to January 31, 1899, when honorably discharged. (Inv. Ctf. 1135280.)

This soldier is now pensioned under the Spanish War act of June 5, 1920, at the rate of \$30 per month, the maximum rate.

He is 50 years of age and has about 65 acres of ridge land worth from \$500 to \$800, with a trust on it for \$100, and no income save the farm products and his pension, and he states he has a wife and four children.

A physician testifies that he has rheumatism in both hips and legs and back and painful neurosis of spine, and that the power of locomotion and coordination is lost in both legs, and that all movement of lower limbs is impaired or destroyed and sensation is absent throughout, and that he is unable to dress or undress himself.

In 1923 a board gave ratings as follows:

Rheumatism, \$30; heart, \$15; injury to breast, \$15; general muscular incoordination of lower extremities with staggering gait, \$18.

An increase of pension to the rate of \$50 per month is recommended.

H. R. 2772. Calvin R. White, Boise, Idaho.

(I. W. S. Orig. 18005.)

In July, 1921, an application was filed under the act of March 4, 1917, in which claimant alleged service in 1877 and 1878 as a guide, with four-horse team under the command of Major Collins of the Boise Nez Perce Indian expedition, and that he also served as guide for Major Egbert and that he also served in numerous other capacities against Indians.

On August 23, 1924, he filed an affidavit setting forth his service as follows:

That at the time of being drafted into the service in 1877 and ending with the surrender of Chief Joseph and the capture of the Sheep Eater Indians he makes the following statement:

"At the time of being drafted into the service he had been awarded by the United States the contract for carrying the mail from the settlement of Indian Valley to the mining town of Warrens, both places being in Ada and Idaho Counties, respectively, and within the aforesaid Territory. But before deponent had entered upon his discharge of the duties of such contract and while living at Indian Valley he was ordered by Col. John Green of the United States Army, then in command of the troops sent into the country to quell the hostile Indians, to turn the contract over to another and attach himself to the military service as scout and guide of Colonel Green's command.

"This deponent did. He engaged with one Solon Hall, the carrier of the mail over the route referred, whom deponent had underbid and agreed to turn over and transfer to him for his services the full compensation he was to receive under his contract with the United States. Deponent thereafter did so transfer to said Solon Hall his vouchers; the said Hall rendered the services he had agreed to under and by virtue of the contract mentioned.

"Deponent at no time derived any financial benefit whatever from said contract. His only object in not relinquishing to the Government his said contract was because it would have taken a long time to get new bids for the service required and that would have interfered with the receipt of mail by the settlers. To avoid that deponent was induced by Colonel Green to arrange with Solon Hall to carry the mail under the bond which deponent had given as required by the terms of his contract. Deponent always received the pay vouchers but at once turned them over to said Hall. This arrangement went on for three years, during which time deponent got absolutely no profit or reward under his said contract for carrying the mail as aforesaid."

Deponent's only purpose in assigning his mail contract over to Solon Hall was to enable him to serve as scout and guide as ordered by Colonel Green. Deponent, had it not been for the demand upon him to enter the military service, would have discharged his duty as mail carrier as above.

From the moment of receiving his order to transfer his contract as aforesaid and join his troops as guide and a scout he considered himself in the military service of the country and subject to all the orders of his superior officers. These orders deponent continued to obey during the time of the Nez Perce war and Bannock and Sheep Eater war was waged and remained with each command and obeyed implicitly all orders made upon me. This service gave me no opportunity to do other work had I been so disposed. I was always treated as an enlisted man and took my place with my comrades, doing the same class of duties and obeying in every detail the same orders and commands. I attached no importance to the informality of my entrance into the military service nor did my commanders nor my comrades. No discrimination at all was ever shown. At the time of my attachment to Colonel Green's command there was positively no opportunity to observe the details of the process of ordinary enlistment. There was no time for the slightest formality. It never occurred to me thereafter that in the circumstances anything more than the orders of Colonel Green was needed to give me the status of an enlisted soldier and I have never changed my mind on that subject. Had I disobeyed these orders I would then and there no doubt have been subject to court martial. However, while we of that wild section were in great danger from this Indian outbreak had my services as a scout (having been one of the first in the Indian Valley) not been needed I would have been pleased to stay at home with my wife and eight children to afford them needed protection and comfort. My enlistment or drafting by Colonel Green took from my family this protection, and throughout my military service and while my family resided in Indian Valley they were forced to protect themselves. The money I received from the Army was all the money I had during that period of service under one or another of the commanding officers operating in that hostile country.

I accompanied Colonel Green with his command all over Ada and Idaho Counties in this State, pointing out to him the different trails and passes and giving him full descriptions of the country. I shared all the hardships, the meager rations and exposures endured by the soldiers and the other scouts Colonel Green had brought with him into the country when he first came. For this service I always received my vouchers from the Army authorities. I receipted as a scout for these

vouchers, in confirmation of which I respectfully refer to the records of the Nez Perce war, Bannock and Sheep Eater war now a part of the archives at Washington.

Deponent desires to state that what time during the Indian hostilities here referred to he was not actually engaged in scout duty he was allowed by his command to visit his family at Salmon Meadows. As soon as these visits were ended he at once reported back to his command. He was always in a position to respond to the orders of his military commander and on several occasions as soon as he had reached his family he was served by a courier from his commander with an order to return at once for active duty. These commands he always obeyed. My standing orders were not to leave the hostile country till discharged, and these orders, as all other orders, I implicitly obeyed.

My first commander was Col. John Green, who had been stationed at Boise Barracks. My second commander was Colonel Barnard, commanding a cavalry regiment. I then served with Colonel Sumner, who came up the Little Salmon en route to Weiser, Idaho. After that I was attached to the command of Colonel Egbert, or Egbers, who had a very large command. I recall he had 27 commissary wagons and a numerous body of horses and mules.

Amongst other duties I was ordered by Colonel Brum to bury a number of soldiers who had been killed in battle. This I did. Others who had been wounded I conducted to my home in Salmon Meadows, near by, and cared for them. As soon as they were able to do something for themselves I left them and rode to Boise and brought back with me Doctor McKay, the Army surgeon stationed at the Boise Barracks. Doctor McKay remained with the wounded men till they were on the road to recovery.

On another occasion I was attached to the command of Lieutenant Farrow in an engagement with the Sheep Eater Indians, who were allies of the Nez Perce Indians in this outbreak. I assisted in the route of these battles and in the capture of 19 of them.

During all this time my pay came from the Army and I presume that fact will appear of record on the books of the Army department kept at the time of these military transactions and herewith I refer to them and respectfully urge their inspection.

Major Collins on one occasion in 1877 came to my home in Indian Valley, took possession of my house, barn, and such crops as I had. This was done with my entire approval, but for which I received no consideration outside my usual pay voucher. During his stay, I pitched camp in Salmon Meadow, lived outside with my wife and children. Major Collins built a fortification on my place, cutting timber from my ranch. I believe that there are still remains of the old fort.

During my services as scout and guide it was necessary in the interest of the safety of my family to hide out most of the time. This they did by concealing themselves in the creek bottoms, where the brush was the thickest and discovery least likely. The nervous condition produced by these fears and hardships remained with my wife till her death.

Since these events it is nearly 50 years. Many of those who would confirm all this record are dead or moved to other and unknown localities. I must therefore of necessity depend upon my own story under oath and for verification upon the Army records of the events.

I am now of the age of 89, having been born in South Woburn, Mass., in 1835. I am wholly unable to earn my own living and have no available resources. Were this not the case, I would not now ask the pension to which, under the laws, I believe I am entitled.

CHARLES R. WHITE.

The affidavits of Frank Smith and William G. Logan are as follows:

That he first met Calvin R. White in the year 1877 in the Indian Valley country, then situated in the Territory of Idaho, and that during the time he was packing into said country Calvin R. White maintained his headquarters at Salmon Meadows, his family consisting of his wife and seven or eight children living there; that it was his custom to take his meals with the family of Calvin R. White.

That, as he remembers, Calvin R. White was awarded by the United States the contract for the carrying of the mail from the settlement of Indian Valley to the mining town of Warrens, said places being situated in Ada and Idaho Counties, respectively, and within the Territory of Idaho; and that during the years 1877, 1878, and 1879 the said Calvin R. White had such contract, but,

owing to the fact that Col. John Green, of the United States Army, then in command of the troops sent into that country to quell the hostile Indians, ordered the said Calvin R. White to turn his mail contract over to someone else and to attach himself to military service as scout and guide of Colonel Green's command, the said Calvin R. White engaged one Solon Hall to carry the mail over the route herein referred to, the said Solon Hall being the former carrier of the mail in that country. That during the years 1877 and 1878 the mail was carried by Solon Hall and his son, Edgar Hall, and that in the year 1879 one Tommy Clay assisted Solon Hall in the carrying of said mail.

That during all of said time of the years 1877, 1878, and 1879, Calvin R. White was in the military service and was acting as scout and guide for the military authorities, and was receiving compensation from the military authorities.

That during said years Calvin R. White was home with his family but very little of the time, he being in the service of the military authorities as scout and guide. That the compensation received for carrying mail in that country was not sufficient to keep more than one family, and that I am certain that Calvin R. White received no compensation whatsoever for the carrying of the mail during said years, but did receive compensation from the military authorities as a scout and guide, he having no other means of support than that of scout and guide for the military authorities in said country at said time.

That Col. John Green was the first commander of Calvin R. White during the Indian wars in that country in the years 1877, 1878, and 1879; that he was personally acquainted with Colonel Barnard and knew that Calvin R. White was in his command during said Indian wars subsequent to the command of Colonel Green. That he was not personally acquainted with Colonel Sumner, but knew that he came up the little Salmon River into the Salmon Meadows country and on his way to Weiser, Idaho, and he knew that Calvin R. White was under his command at that time.

That he was personally acquainted with Colonel Egbert and that he came into said country with the first commissary wagon and with a large number of horses and mules, and that I know of my own personal knowledge that Calvin R. White was under his command. This occurred, as I remember, in the year 1878. That I remember Colonel Drum who was also with the military authorities in said country in said years, and I also knew Lieutenant Farrow who was in that country at said time, and knew that Calvin R. White was in the service as scout and guide in said country; that he remembers his engagement with the Sheep Eater Indians, and that at the same time my uncle, S. S. (Three-fingered) Smith was engaged in the Sheep Eaters Indian war, and that my said uncle was wounded and was under the care of Doctor McKay, a surgeon stationed at the Boise Barracks. I remember that Major Collins took part in said Indian wars, but I did not know him personally. That I remember that during the engagement with the Sheep Eater Indians a number of citizens were killed and that Calvin R. White buried said citizens under the command of Colonel Drum. That the names of said citizens who were buried by Calvin R. White are as follows:

Tom Hailey, Bill Monday, Jake Gloschro, Dan Crook, "Brady" Wilhelm, "Bob-tail" Johnson, Jim Rainse.

That the said Calvin R. White was the first settler within that country and was familiar with all the trails and routes in that country, and was competent to render service as a scout and guide to the military authorities.

FRANK SMITH.

In 1876 I first became acquainted with the claimant, Calvin Richardson White, at Indian Valley, Ada County, Idaho (now Adams County). He was a near neighbor. In 1877, when the Nez Perce Indians raided Salmon River, the first news of the outbreak we received was by Mr. White telling of the killing of Elfers, Osborn, Mason, and many others. Upon receipt of the news of the outbreak all the settlers of the upper Weiser Valley abandoned their homes and flew to the lower Weiser Valley. Arms and ammunition had been sent by the Overland Stage from Fort Boise. I personally knew that Mr. White volunteered to haul the arms and ammunition to Indian Valley, where Col. John Green and Captain Barnard's and Benedier's cavalry from Camp Harney, Oreg., and Rube Robbins and Bannock Indian Scouts were camped en route to the front. In 1878 Major Egbert came to Indian Valley, and with him came Mr. White, and at that time I well knew that he was the chief scout and guide for Egbert's trip to Little Salmon Valley. In 1879 when the Sheep Eater Indians made the raid to Indian Valley, stealing the stock and killed five of our settlers, Mr. White saved the life of "Three-fingered" Smith. That was truly a great service Mr. White gave the

United States Government and to the settlers. Acting on orders from Major Drum later he buried the bodies of the five victims killed.

In all of the years up to the present time, knowing him as I do, until old age came upon him he was always working and was well. As to his property I am sure he has now no income at all. Odd jobs with no manual labor is his only support. If there is anyone entitled to receive help from the United States Government, it is Mr. White for the services he gave during the three years of the Indian troubles.

So far, as the names of the above-mentioned officers are concerned, I rely on Mr. White's memory as to this.

WILLIAM G. LOGAN.

A number of other witnesses testified that they have already understood claimant was a scout for the troops in the Indian uprisings of 1877, 1878, and 1879.

Claimant states that he is 89 years of age and has no property or income, and his statement is corroborated by witnesses, and a physician testifies that he is not able to perform any physical labor of any kind; that he has a hernia and disabled by old age.

Claim was rejected by the Pension Bureau, February 23, 1922, because claimant was not regularly enlisted or mustered into the United States service, but was a civilian employed as a scout and guide as shown by his own statement.

There is no official record of the claimant's alleged service or employment, and it is clear that whatever service was rendered was that of a civilian and not that of an enlisted man.

It is quite evident that claimant rendered considerable service to his country during Indian disturbances in the far West, and it is recommended that he be granted a pension of \$30 per month.

H. R. 2817. Susie Elgretta Henderson, 24 Arsenal Street, Portland, Me., is the helpless and dependent child of John B. Henderson, who served in Troop F, Third Regiment United States Cavalry, from August 2, 1886, to August 1, 1891, when honorably discharged. (Minor's Orig. 1209209; Wid. Ctf. 779081.)

The soldier was pensioned for malaria contracted in the service, and the claim of this child's mother as soldier's widow was rejected in 1915 because the disease of kidneys, of which soldier died August 14, 1903, was not due to the malaria or otherwise shown due to service. The widow, however, was on the roll at that time at the rate of \$12 per month under a special act approved June 16, 1914. This pension was increased to \$24 per month by a special act approved August 18, 1916, reading as follows:

The name of Barbara Henderson, widow of John B. Henderson, late of Troop F, Third Regiment United States Cavalry, Regular Establishment, and pay her a pension at the rate of \$24 per month in lieu of that she is now receiving and \$2 per month additional on account of Edith G. Henderson, minor child of said John B. Henderson, until she reaches the age of 16 years: *Provided*, That in the event of the death of Susie Elgretta Henderson, helpless and dependent child of said John B. Henderson, the \$12 additional pension herein granted shall cease and determine: *Provided further*, That in the event of the death of Barbara Henderson the name of said Susie Elgretta Henderson, shall be placed on the pension roll, subject to the limitations and provisions of the pension laws, at the rate of \$12 per month from and after the death of said Barbara Henderson.

In the report on the bill (H. R. 12970) the committee recommended that in the event of the death or remarriage of the widow the \$12 per month should continue to the child, but the act simply provided for continuance in the event of her death.

A copy of the public record has been filed showing that the widow remarried July 4, 1923, and a claim filed by the child has been rejected by the Pension Bureau because the special act provided for continuance only in the event of the widow's death.

Claimant is 24 years of age, and a physician testified in the pension case that he had known her for 15 years and that she was a hopeless cripple, has tuberculosis of the hips and spine, and that both hips are ankylosed, and there is no motion of the joints; also that she has discharging sinuses in back, groins, and hips, that these have been discharging for 18 years, that district nurses call four times weekly to do dressings, and that she is absolutely incapacitated of earning a livelihood. Another physician testifies that she can work with her hands but is partially unfitted for self-support and can not walk without crutches, and names disability as tuberculosis of spine and hips. Other witnesses also testify to her condition of helplessness since 5 years of age, and testimony shows that she has no property or income.

As the widow's name has been dropped from the rolls because of her remarriage, the committee recommends that this child be granted a pension of \$12 per month.

H. R. 2863. Percy H. Allen, Nashville, Tenn., served during the Philippine insurrection in Company F, Second Battalion Engineers, United States Army, from April 26, 1901, to April 25, 1904, when honorably discharged. (Inv. cert. 1101436.)

Soldier was pensioned under the general law at the rate of \$24 per month on account of disease of stomach and eyes contracted in the service, when his pension was increased to \$30 per month by a special act approved July 3, 1918. His bill was tabled by this committee on the ground that he should first test his title to an increase in the Pension Bureau.

The soldier filed a claim for increase in the Pension Bureau May 31, 1924, and it was approved for \$30 per month. However, he received no benefit, as he was in receipt of \$30 per month by a special act of Congress.

The next rate above \$30 per month is \$50, and is given only in the even that soldier is shown to require the frequent and periodical aid and attendance of another person by reason of disabilities of service origin. The Bureau of Pensions held that soldier's disabilities in part were due to disease of heart, and he does not require frequent and periodical aid by reason of pensioned disabilities above cited.

Official medical examination of October 11, 1924, is as follows:

Applicant gives history of vomiting blood occasionally, and is now on milk diet. There is tenderness to left of xiphoid over region of duodenum. Patient anemic looking and skin white; gives one impression of having stayed in room for months; totally blind in left eye. Conjunctiva pale, but no evidence of disease of eyes, pupillary reaction right eye normal, left eye fixed.

There is no heart murmur elicited, although heart is so rapid, even with patient in bed, that it is difficult to separate sounds; heart rate, 144 in bed. There is no increase in area of cardiac dullness.

Lungs negative.

No hernia, hemorrhoids, or varicocele petallar; reflexes exaggerated.

There is no glandular enlargement.

Applicant complains of extreme weakness and does not even get up out of bed except to use chamber and urinate.

Weakness is probably due to some myocardiac changes in heart muscle.

History of hunger pain, vomiting of blood, tenderness points to ulcer in duodenum.

Eye has been blind since 1902.

Probably X ray and Wassermann would help.

Total disability.

The affidavit of Dr. L. J. Caldwell filed with the bill is as follows:

To whom it may concern:

Wish to say that he is still a sufferer with duodenal ulcer; that I fail to find any murmur or organic lesion of heart. I think any symptoms elicited from heart are functional in character, or due to weakness subsequent to his stomach trouble. His was a clear cut case of stomach and duodenal symptoms, with hemorrhages of bowels and vomiting.

Have never considered him a heart case and do not now. Patient is in bed three-fourths of the time.

L. J. CALDWELL, M. D.

DECEMBER 19, 1924.

Claimant is 47 years of age and it is shown that he owns no property and has no income other than his pension.

Witnesses also state that claimant on account of disease of eyes and total blindness of one eye, disease of stomach (vomiting blood from stomach), is compelled to remain in bed with a nurse attending him.

The committee should hold in view of the above-cited medical evidence that soldier's heart trouble to a great extent is due to the serious condition of his stomach, for which pensioned, and it is recommended that his pension be increased to \$50 per month. He had service during the Philippine insurrection for nearly two years.

H. R. 2864. Robert L. Chick, 1724½ Sixth Avenue north, Nashville, Tenn., served during the Philippine insurrection in Company G, Forty-first Regiment United States Volunteer Infantry, from September 21, 1899, to November 24, 1900, when honorably discharged. (Inv. cert. 1101554.)

The records of the War Department show treatment in service for malaria, hemorrhoids, and chronic diarrhea in line of duty. He was also treated for a disease not due to service.

He was first pensioned at \$6 per month, then \$8 per month for chronic diarrhea and piles, held to be due to his military service. Claimant is now pensioned at the rate of \$30 per month, the maximum rate allowable under the Spanish war act of June 5, 1920.

The soldier is 54 years of age. His wife died of tuberculosis, and witnesses state that he has three children to support. It is shown by the evidence that he owns no property and has no income other than his pension.

The soldier's present physical condition is shown by the following affidavit of Dr. M. C. Wilson:

That he is a practicing physician, and has been acquainted with the above-named soldier for about 20 years, and that he had no knowledge of the applicant from medical standpoint prior to his enlistment.

He has known the applicant intimately for 20 years and has had ample opportunity to observe his physical condition; that since his return from Spanish-American War his general health has been greatly impaired from having contracted chronic amebic dysentery during his war service. That since studying medicine he has observed applicant, a patient, from time to time within the last 12 years. That he has attended him and his family and he is familiar with his physical condition for 12 years. That applicant is totally incapacitated permanently from chronic pulmonary tuberculosis, chronic tuberculosis of bones of right arm and hand, chronic amebic dysentery, double hernia, inguinal, and pyorrhea (?); that he believes the tuberculosis processes began as result of his

debilitated state from dysentery over long period of years and that indirectly was incurred in line of duty.

M. C. WILSON, M. D.

Two other physicians make about the same statement relating to the soldier's present physical condition; also witnesses.

The committee recommends that the soldier's pension be increased to \$50 per month.

H. R. 2913. William B. Walker, Veterans' Home, Napa County, Calif., served during the war with Spain in Battery H, Third Regiment United States Artillery, from April 16, 1894, to April 14, 1899; Battery O, Third Regiment United States Artillery, from May 18 to August 31, 1899; and in Company F, Thirty-eighth Regiment United States Volunteer Infantry, from November 14, 1899, to January 31, 1901. He had prior service in Battery H, Second Regiment United States Artillery, from November 3, 1885, to November 2, 1890, and in Battery L, Fourth Regiment United States Artillery, from November 14, 1890, to February 13, 1894. (Inv. Orig. 1235609.)

Claimant was honorably discharged from all contracts of service except from Company F, Thirty-eighth Regiment. He was discharged from this service without honor, the commanding officer stating that soldier was an especially good soldier when unable to procure liquor, but on account of excessive use of alcoholic stimulants it was unsafe to trust him with the duties of a soldier under the circumstances existing at the post.

Soldier received treatment in the service for malaria and was discharged from Battery O, Third Regiment United States Artillery, on account of muscular weakness and nervous exhaustion due to malaria contracted while on duty in the Philippine Islands and in the line of duty.

His claim under the general law was rejected January 6, 1908, on the ground of no ratable degree of disability from alleged malarial poisoning, anemia, muscular weakness, and nervous exhaustion.

Claim under the Spanish War act of June 5, 1920, was rejected July 8, 1924, on the ground that the claimant was not honorably discharged from all contracts of service during the period of the war with Spain, Philippine insurrection, and China relief expedition.

He is 61 years of age, an inmate of a State soldiers' home, and apparently not living with his wife. The evidence filed with the bill shows that he owns no property and has no income.

The soldier's physical condition is shown by the following affidavit of his physician:

That he is a practicing physician and has been acquainted with the above-named soldier for about three years, and that the said William B. Walker is a member of the Veterans' Bureau of California.

That he has a double inguinal hernia, together with hemorrhoids (bleeding), and varicocele. He also is of the neurasthenic type and occasionally has attacks of nerve fatigue and various nerve disorders.

In my opinion one-half disability would be warranted.

M. OLIVER MOORE, M. D.

Witness state that claimant has been in poor health for the last 20 years and at the present time wholly unable to perform manual labor of any kind.

This claimant has had a long military service. He had two honorable services during the Spanish War and Philippine insurrection,

from one of which he was discharged for disability contracted in the Philippines.

Your committee recommends that he be granted a pension of \$18 per month.

H. R. 2914. Mary E. Gilland, 304 Wooster Avenue, Akron, Ohio, is the former widow of John Gilland, who served during the Philippine insurrection in the Hospital Corps, United States Army, from March 20, 1900, to April 23, 1902, when discharged without honor, having become disqualified for service in character through his own fault. (Wid. Cert. 628103; Min. Cert. 708127.)

The records of the War Department show treatment in service as follows: In July, 1900, for diarrhea and under observation in September of same year for cutaneous rash and afterwards for pleurisy and tuberculosis.

Soldier was pensioned at \$17 per month for pulmonary tuberculosis and he died of that disease October 31, 1906, and the claimant, his widow, to whom he was married April 10, 1904, was then pensioned until June 1, 1910, when she was remarried to John H. Roop, after which soldier's minor child, Nellie M., was pensioned until she became 16 years of age March 18, 1921.

A claim filed by the widow for renewal under the act of March 3, 1901, was rejected because she was not the wife of the soldier during his service, and one filed by her under the act of September 1, 1922, was rejected October 18, 1923, because soldier was not honorably discharged.

That act which provides pension for remarried widows of persons who served in the war with Spain or the Philippine insurrection makes honorable discharge a prerequisite to title.

Although claimant's husband was discharged without honor under a special order of the War Department, he died of a disease that he contracted in the line of duty in service, which gave claimant title to pension under the general law regardless of whether or not discharge was honorable.

It is shown by a certified copy of the decree on file that claimant was divorced from her second husband, John H. Roop, November 18, 1916, upon her own application and without fault on her part, since which time she has not remarried.

Claimant states that she is 40 years of age and has no property and that her annual income is about \$350, and witnesses corroborate her statement as to property and testify she has no way of supporting herself except by her labor—sewing—and a physician testifies her condition is such that she can not do hard labor. Claimant's former name (Gilland) was restored to her.

Your committee recommends that she be granted a pension of \$20 per month.

H. R. 2929. Edward McCloskey, Akron, Ohio, served during certain Indian wars in Company G, Third Regiment United States Cavalry, from December 5, 1873, to December 5, 1878, when honorably discharged. (I. W. Sur. Ctf. 10038.)

Soldier was in receipt of a pension of \$8 per month for rheumatism contracted in the service when he was granted a pension of \$20 per month under the Indian war act of March 4, 1917.

He is 74 years of age and married.

It is shown by the evidence that he owns no property and has no income other than his pension of \$20 per month. Witnesses state that soldier has been unable to work for the past five years on account of rheumatism and poor physical condition.

His family physician states that claimant is physically unable to do any work on account of general debility.

An increase of pension to the rate of \$30 per month is recommended.

H. R. 2967. Thomas H. Stubbs, Blytheville, Ark., served during the war with Spain in Company D, Ninth Regiment Illinois Infantry, and the Hospital Corps, United States Army, to which transferred, from June 28, 1898, to December 24, 1898, when honorably discharged. (Inv. Cert. 1183717.)

The soldier is in receipt of the maximum rate of pension (\$30 per month) allowed under the Spanish war act of June 5, 1920.

Official medical examination of June 6, 1923, disclosed that claimant was wholly unable to perform manual labor and in very poor physical condition; that he had four anal fistulas, poor eyesight, varicose veins covering calf and right side of right leg, prostatic trouble, and that he had no control of bowels.

From the evidence filed with the bill it is shown that he is 64 years of age and that he owns no real estate; that he owns \$200 worth of personal property and that his annual income from all sources is \$400.

A physician stated, May 17, 1924, that claimant is suffering from rectal fistula which is open and draining continuously; that his physical condition is gradually growing worse and requires assistance in dressing and caring for himself. Witnesses also make such a statement.

The secretary to the Member who introduced the bill made the following statement December 2, 1924:

On August 22 I visited Blytheville, Ark., and while there called to see Col. T. H. Stubbs, whose bill (H. R. 4999) for increase of pension is pending before your committee.

Colonel Stubbs is a notary public, and his earnings are limited to the meager fees received for notarial services, which do not usually amount to more than 50 cents a day. He has a very small office in old building a block from the main street, and his office furniture consists of one chair, a desk, and an Army cot. He must lie on his cot until it is absolutely necessary for him to sit in his chair, and he is able to "sit up" for only a few minutes at a time. Mr. Stubbs asked that I examine him. In going to the little washroom, which is the only one on the floor where his office is located, he had to have my assistance and hobbled along on his crutch. He has no control over his bowels, and from time to time he must place cotton wadding in his rectum in order to keep any check at all on his bowels. His wife is unable to obtain employment since she must care for him at all times, and the poor man is greatly in need of an attendant. I do not believe that you have a worthier claim than that of Colonel Stubbs, and would greatly appreciate it if you will give favorable consideration to his bill for increase of pension.

I am, very truly yours,

M. L. WILLIAMS, *Secretary.*

Conditions have not changed.

An increase of pension to \$50 per month is recommended.

H. R. 3072. Ralph Lotz, Glenwood, Iowa, served in the Regular Establishment, United States Navy, from May 14, 1910, to May 13, 1914, when honorably discharged, expiration of enlistment. (Inv. Orig. 1449979.)

The records of the Navy Department show treatment in service for mumps. No other record of treatment in service, and no physical defects were noted at enlistment.

Claimant did not serve during any war.

His claim under the general law filed April 28, 1921, in which he alleged epileptic seizures and deafness due to being struck by a bullet on left side of head October 6, 1912, in line of duty and during the occupation of Leon, Nicaragua, was rejected on the ground of no record, medical or other satisfactory evidence showing origin of the same in the service, nor satisfactory evidence showing existence at date of discharge or continuous since said date.

Applications for reopening were denied.

The claimant's lieutenant commander, C. C. Baughman, in answer to an official communication made the following statement:

In accordance with inclosure (B), relative to claimant's physical condition while in the company that I commanded, I have no recollection that he had any epileptic seizures. I distinctly remember, however, that a man of claimant's name was in my company during the occupation of Leon, October 6, 1912, when my company had several casualties. One man, whom I believe was Lotz, was conspicuous and had to be warned to keep under proper cover. He appeared to be excited due to heavy fire and I did not attribute this to any other cause than temporary excitement. I am certain that I have no recollection of his having been wounded in any way. If he were grazed by a bullet, I have no remembrance of it. It is possible, however, that his ears may have been affected by gunfire, because at one time he succeeded in getting almost in front of the company and he had to be hauled back.

In the above statement, I am assuming that the red-headed man of medium height, weighing about 145 pounds, whom I have in mind, is Lotz.

Claimant has furnished a number of affidavits of persons stating that he was a well man when he enlisted and since his discharge has not been at any time well, being hard of hearing, very excitable, and subject to convulsions.

The affidavits of Mrs. Edith M. Lotz, F. E. Lange, filed with this bill, and the affidavit of Gilbert R. Brown, filed in the pension case, are as follows:

I, Edith Lotz, wife of Ralph Lotz, have known Ralph Lotz since he was a child of 11 or 12 years and knew he was all right when he enlisted in the United States Navy in 1910, and corresponded with him during his four years of service and in letters received last year of service he complained of not feeling well. When I met him after his discharge May, 1914, noticed he was hard of hearing, and when I asked him what caused this, he said a bullet passed close enough to left side of head to burn hair off while he was in a battle. He had been hard of hearing ever since and he complained of his head and his speech was affected as if his tongue was swollen. At times acted queer, and when I spoke to his family about it they said they thought it was because of his friend Morgan being cut up in battle and that they thought he would be all right when he forgot about that battle.

One night in the latter part of 1914 I saw him after he had had what his sister (Mrs. Richmond) called a queer spell and he seemed to be out of his head; then followed a stupor. He often told me about lying down to gain control of himself, and in 1915 I overheard him tell a doctor who was caring for a child of his sister's that he felt so queer at times and that his head always hurt him. The doctor told him he would have to make an examination before he could give him anything, but he never went for the examination.

About a month before marriage he told of a spell he had while in the field; also other spells; these spells continued, and when he would have them he suffered intense pain and always in left side of head. I would use aspirin and rub on liniment. My grandmother saw him and said his spells were convulsions, but I thought not because they were light, but in 1919 they became so severe, and they began to bring him home from work; I called a physician who pro-

nounced it epilepsy, but in order to be sure I called others, and then the bromide treatment was used until it caused eruption after eruption, and the medicine was changed, and as soon as he stopped taking it spells came again.

EDITH M. LOTZ.

Affiant states that said claimant, Ralph Lotz, was in his employ on a farm owned by said affiant for about six weeks, beginning his employment about June 15, 1914; that he was later employed by Herman Gaver, and that the said claimant was not able to work for more than one-fourth of the year beginning June 15, 1914; that while the said claimant was in his employ he was not physically able to do any heavy work, especially work requiring him to stoop over; that he was subject to severe headaches at the time and was taking medicine. Affiant further states that to his knowledge the said claimant did not work half of the time during 1916 and that the claimant was receiving medical care at the time.

Affiant further states that for a part of 1917 and 1918 said claimant did no manual labor of any kind, and up to 1918 to affiant's personal knowledge the said claimant had two convulsions, the exact cause of which he is not informed.

F. E. LANGE.

Gilbert R. Brown, after being duly sworn, deposes and says that he is a resident of Hamburg, county of Fremont, State of Iowa; that between February 5, 1912, and May 26, 1915, he served in the United States Navy; that on October 6, 1912, he, together with one Ralph Lotz, now a resident of Omaha, Nebr., were members of the crew of the U. S. S. *Colorado*; that on or about that date, October 6, 1912, deponent and the said Lotz were members of the first squad of the first company of a landing party sent ashore at the city of Leon, Nicaragua, in Central America, to preserve order and protect American interests in that city; that at about 1 p. m. of that day, as said landing party were proceeding up one of the streets of said city under the orders of their superior officers, a sniper's bullet grazed the side of the head of the aforementioned Lotz. Deponent says further that immediately thereafter the said Lotz complained to deponent of his head hurting him and showed deponent where the bullet had passed along the side of his head.

He further deposes and says that about a month after the incident hereinbefore described, and after the return of the aforementioned landing party to its ship, the U. S. S. *Colorado*, while the crew were drawn up at quarters, the above-named Lotz became suddenly unconscious, was carried below to the ship's hospital and there treated for some days for injury and shock.

Deponent further says that after said injury to Lotz the said Lotz complained frequently to deponent of pains and other ill feelings in his the said Lotz's head, these complaints continuing until deponent and Lotz became separated during May, 1913, the exact date of which separation deponent can not remember.

Further deponent sayeth not.

GILBERT R. BROWN.

It is shown by the medical evidence filed with this bill that the soldier is wholly unable to earn a support; that he has frequent and severe epileptic convulsions, is emotional and cries, and is quite deaf. He is 34 years of age, has no property or income and no means of livelihood only what his wife earns, and she can not work unless some one cares for her child and the claimant.

In view of all the facts, and that the claimant was under gunshot fire in Leon, Nicaragua, a pension at the rate of \$24 per month is fully warranted, and it is so recommended.

H. R. 3077. Willard L. Anthony, Elliott, Iowa, served during the Philippine insurrection in Company M, Fourth Regiment United States Infantry, from June 8, 1899, to June 7, 1902, when honorably discharged. (Inv. Cert. 1178223.)

The records of the War Department show that during service the soldier was treated for several severe attacks of malarial fever, and

after consideration of all the evidence filed in the Pension Bureau and before the Committee on Pensions, Congress by special act allowed him a pension of \$12 per month August 16, 1916, which was increased to \$24 per month by another special act of Congress March 4, 1915, it being concluded that rheumatism, malarial poisoning, and heart trouble might safely be accepted as due to service.

On September 26, 1924, he was granted a pension of \$30 per month by the Pension Bureau under the Spanish War act of June 5, 1920.

He was given an official home medical examination June 24, 1924, and the examining surgeon stated in part as follows:

It is my opinion claimant is totally disabled for the performance of manual labor on account of disease of heart and mental condition, and that he requires the regular aid and attendance of another person and is entitled to \$30 per month. No evidence of vicious habits.

Claimant is 46 years of age, married, and has several small children.

It is shown by the evidence that he owns no property and has no income other than his pension of \$30 per month.

His family physician, who has known him for 15 years, stated in part as follows:

Claimant is now, and has been for the past four or five years, wholly incapable of manual labor. He is suffering from an incurable heart disease, together with a kind of general paresis. He has frequent spells when he is entirely irrational. In fact, the man is insane at all times and requires the attendance of some other person all the time. He should never be left alone. His disease is progressive and incurable; he gets a little worse all the time. This disease undoubtedly relates back to the time of his overheat in the Philippine Islands while in the service.

F. J. MEYERS, M. D.

This Spanish War soldier undoubtedly is in a serious physical condition, with no prospects of recovery, and an increase of pension to \$50 per month is recommended.

H. R. 3208. Albert M. Vance, Bogard, Mo., served in the Regular Establishment, in Company G, Third Regiment United States Infantry, from June 16, 1891, to September 15, 1894, when honorably discharged. (Inv. Orig. 1453008.)

The records of the War Department show treatment in service as follows:

January 22 to 25, 1892, slight strain of back, lumbar region, on fatigue, in line of duty. Returned to duty. No additional record of disability found.

No claim was filed until July 5, 1921, over 25 years after discharge, when soldier alleged incurrence of an injury of his right hip from stepping in a hole while drilling. Claim was rejected in August, 1922, because of no disability from alleged injury.

Another claim was filed January 10, 1924, which was rejected in May, 1924, because there was no record of alleged injury in the War Department and claimant was unable to connect any disability with his service.

The only evidence in the case is that of one person, Archie D. Bryce, who states that soldier came to him limping and claimed that in falling he had hurt himself, but the witness does not locate or describe actual disability.

Claimant is 62 years of age and has a wife and several children.

He has no real estate and only a small amount of personal property, and he states he has no income.

A physician testifies that he is wholly disabled from chronic progressive poliomyelitis (inflammation of spinal cord), diabetes alternans, and irregular heart action.

A pension of \$6 per month is recommended.

H. R. 3276. William C. Donlevy, 939 North Larel Avenue, Chicago, Ill. (Inv. Ctf. 1182682.)

The soldier's claim for pension under the act of June 5, 1920, was rejected June 2, 1921, on the ground that claimant was in receipt of a pension of \$30 per month allowed by a special act of Congress, which is the maximum rate that could be allowed him under the Spanish War act of June 5, 1920.

Soldier was granted a pension of \$30 per month by a special act of Congress approved March 3, 1921, said action being based upon the following report:

H. R. 9557. William C. Donlevy, 939 Larel Avenue, Chicago, Ill., served during the war with Spain, in Company L, Second Illinois Infantry, from April 26, 1898, to April 26, 1899. (I. O. 1423041.)

The records of the War Department show he was treated during his service, July 14 and 15, 1898, acute gastritis, and dyspepsia; August 5 to 11, 1898, constipation and phemeral fever; August 17 and 18, 1898, diagnosis not stated; August 20 to September 13, 1898, typhoid malarial fever. When examined preliminary to muster out he claimed to be suffering with rheumatism and tender feet. The surgeon who examined him did not report any disability as existing.

He filed a claim for pension March 13, 1916, based upon typhoid malarial fever, rheumatism, and typhoid spine. Disease of spine was rejected after special examination on the ground that the evidence did not satisfactorily connect same with his Army service. Rheumatism and malaria were not shown in a ratable degree.

The board of surgeons who examined claimant in 1916 found no disability aside from osteo-arthritis, which was described as follows:

"The entire spinal column is rigid, all vertebrae anklyosed, rotation of head limited to 25 per cent. There is marked curvature of the spinal column forward, with head projected forward. There is kyphosis of dorsal column to right, 1½ inches, with corresponding elevation of right shoulder, standing erect, with back against the wall, from top of head at line of ears to the wall is 11 inches. Lying down on his back his head can not reach the floor within 6 inches. There is tenderness along the spine upon deep pressure. He can not pick up a small object from the floor without drawing his foot backward and bending the knee. Sudden jolts upon the heels cause shooting pains in his back. There is no paralysis nor Rhomberg symptoms. As this disease is progressive in character, complete ossification of the spinal column is highly probable. This claimant is so disabled from osteo-arthritis of the column as to be incapacitated for the performance of any manual labor and is entitled to \$30 per month. No evidence of vicious habits."

The hospital steward of soldier's regiment testified to treating him in the service and at times since, up to 1917, when the affidavit was made, and that he is sure the disease of the spine is due to typhoid fever contracted in the service.

Another physician testified in 1917, that symptoms of the disease from which claimant is now suffering followed his attack of typhoid fever. A third physician testified to treatment in 1903 and 1904, for what was at first believed to be rheumatism but which proved to be rheumatoid osteo-arthritis of the vertebral column.

With this bill claimant files his sworn statement to the effect that disease of spine wholly disqualifies him for performance of manual labor; that he owns a home valued at \$3,000, one-half paid for, and has no income except from his labor. Lay witnesses verify his statement as to property and income. One physician testifies that he is suffering with arthritis deformans of probable typhoid origin; that he can not say that it interferes with his present occupation as clerk. Another physician testifies that he finds him totally unable to perform hard work, that he is absolutely unable to bend his spine and has no lifting power; this being due to the rigidity of the spine; that the patient can not raise his arms above his

head or turn over in bed without suffering acute pain, and that he has been unable to find any reason for his condition aside from typhoid infection.

A pension of \$30 per month is recommended.

A bill has been introduced proposing to increase the soldier's pension to \$50 per month.

The soldier's present physical condition is about the same as shown in the above report.

It is shown by the evidence filed with the bill that claimant is wholly unable to perform manual labor, that he is stooped over very bad, can not bend his back, it being rigid, can not turn his head or get his hands over his head, and can only walk a few blocks without resting, this condition being due to osteo-arthritis of the spinal column.

It is also shown by the evidence that claimant is married and owns a house worth about \$4,200 upon which there is a mortgage of \$2,200 and that he has no income other than his pension.

An increase of pension to the rate of \$40 per month is recommended.

H. R. 3297. Lee Byrd, Brownsville, Ky., is the dependent father of Clarence Byrd, who served in Troop B, Ninth Regiment United States Cavalry, Regular Establishment, from October 16, 1913, to May 15, 1916, when he died in the service. (Father Ctf. 938916.)

Claimant is about 71 years of age, and states he owns a small house and lot worth \$150 with a mortgage on it for \$65, and his income is his pension and witnesses corroborate him and state that he is feeble and unable to perform labor of consequence and that he has a wife and seven children under 16 (all his own) dependent upon him. This is corroborated by a special examiner's report in the pension case. A physician who states that he has known him 13 years, testifies that he has chronic nephritis, severe palpitation of the heart and chronic bronchial asthma and has been suffering the past few years with rheumatism and that he is practically unable to do any work especially when the work is overhead. He is a plasterer and paper hanger.

This claimant is in receipt of the rate provided for dependent parents of persons who died in the service, or from causes due thereto during a time of peace (\$12 per month).

The committee recommends an increase of pension to the rate of \$20 per month.

H. R. 3343. Edith L. Quick, 3619 A, Liennan Avenue, St. Louis, Mo., is the widow of John Henry Quick, who served during the War with Spain and the World War. He served continuously in the United States Marine Corps from August 10, 1892, to November 20, 1918, when placed on the retired list, having completed 30 years of very active service. Resumed active service July 23, 1920, and again placed on the retired list September 15, 1920. He died September 9, 1922, of cancer of the neck, the result of his active service in the United States Marine Corps and held to be in the line of duty.

Much could be said about the remarkable service of the claimant's husband. The following is just part of his military record taken from the records of the War Department.

June 14, 1898. During fight at Cuzce, Cuba, he stood on crest of ridge exposed to enemy fire in order that the U. S. S. *Dolphin* might see signal flag while sending message.

October 22, 1901. Joined Company F, Second Regiment, in Philippine Islands.

July 7, 1905. Reduced to gunnery sergeant at own request. September 15, 1906. Joined second Cuban expeditionary battalion on board U. S. S. *Minneapolis* for expeditionary service in Cuba. April 21, 1914. Ashore at Vera Cruz, Mexico, participating in engagement incident to occupation of the city.

July 31, 1914. Awarded letter of commendation by the Secretary of the Navy for conspicuous courage, coolness, and skill in transmitting orders and messages under fire at Vera Cruz, Mexico.

November 4, 1917. Arrived and disembarked at St. Nazaire, France, and serving with the Army from that date. Assigned Army serial No. 119679. Participated in active operations against the enemy in France as follows: March 15 to May 13, 1918, Toulon sector, Verdun; May 31 to June 5, 1918, Aisne defensive, in the Chateau-Thierry sector; June 6 to July 9, 1918, Chateau-Thierry sector (capture of Hill 142, Bouresches, Belleau-Wood); July 18 to July 19, 1918, Aisne-Marne (Soissons) offensive; August 9 to August 16, 1918, Marbache sector, near Pont-a-Mousson on the Moselle River; September 12 to September 16, 1918, St. Mihiel offensive, in the vicinity of Thiaucourt, Xammes, and Jaulny; October 1 to October 7, 1918, Meuse-Argonne (Champagne), including the capture of Blanc Mont Ridge and St. Etienne; October 16, embarked on board the U. S. S. *Great Northern*, at Brest, France; October 24, 1918, arrived at Hoboken, N. J., and joined barracks detachment, marine barracks, New York. N. Y., the same date; November 20, 1918, placed on the retired list of the enlisted men of the Marine Corps, having completed 30 years' service.

July 23, 1920. Resumed active duty in recruiting district of St. Louis, Mo., upon his own request.

September 15, 1920. Resumed former status on retired list of the Marine Corps.

The congressional medal of honor, the Navy cross, and the distinguished-service cross were awarded Sergeant Quick for gallantry in action. He was also cited for services rendered in France and given a letter of commendation by the Secretary of the Navy for outstanding conduct in Mexico in 1914. Sergeant Quick had the following campaign badges: Mexican, Cuban, West Indian, Spanish, and Philippine. In addition to these, he had a Fourragere and a victory medal with five clasps, signifying major operations in France.

The Member who introduced the bill stated that Sergeant Major Quick is the man whom General Lejeune declares was the greatest marine who ever served in the Navy; that he excelled all others in citation for bravery and repeatedly refused a commission.

The marine's character is shown to have been excellent.

The claimant was married to the marine December 31, 1914, and lived with him until his death. She is drawing \$30 per month compensation from the Veterans' Bureau. No claim for pension was ever filed in the Bureau of Pensions. The marine never made application for war-risk insurance, therefore claimant has no title to such insurance.

Claimant is 44 years of age. She owns no property other than two Treasury certificates worth \$160, her only income is \$360 per year compensation, and no child or relative contributes to her support.

A physician states that Mrs. Quick is suffering from very large varicose veins of the right leg and thigh that prevent her from following her occupation as a press feeder.

The veins in her left leg are not unduly large.

The allowance of a pension of \$50 per month in lieu of the compensation that she is now receiving is recommended.

H. R. 3391. Charles N. Cannon, Albany, Clinton County, Ky., served in the Regular Establishment, Company E, Third United States Infantry, from August 15, 1903, to August 14, 1906, when honorably discharged. (Inv. Ctf. 1138186.)

The records of the War Department show treatment in service as follows:

August 20 to 22, 1903, acute bronchitis, in line of duty; October 2 to 5, 1903, chaneroid glans penis, not in line of duty; April 25 to May 2, 1905, gastritis, alcoholic, acute, not in line of duty; November 30, 1905, to February 4, 1906, iridocyclitis, left eye, acute, moderately severe, accompanied by slight posterior synechia of inner portion of iris. Disease arose while soldier was on duty. Enlistment shows gonorrhea about one year prior, slight varicose vein, left leg.

Claimant was granted pension under the general law at the rate of \$6 per month, commencing from September 19, 1906, for disease of eyes (conjunctivitis); his application for increase was rejected November 22, 1916, on the ground that medical examination is not warranted, there being no presumption of increase of disability for which pensioned.

The claimant filed a claim for pension July 10, 1920, under the act of June 5, 1920, which was subsequently rejected on the ground that he did not serve 90 days or more in the military service of the United States during the war with Spain, the Philippine insurrection, or the China relief expedition, his only service alleged beginning August 15, 1903, and ending August 14, 1906.

Claimant is 40 years of age, he alleges, and the evidence shows that he is, by reason of disease of eyes, paralysis of right side of face and eye, rheumatism which affects all of the large joints, and disease of heart, three-fourths disabled for the performance of manual labor, and as he only served in the Regular Establishment in time of peace, and as his disabilities other than disease of eyes were not contracted in the service, it is apparent that he has no title to any increase of pension under existing laws. He has no property or income other than his pension of \$6 per month and about \$20 per month income from a small gristmill valued at \$1,150.

The allowance of increase to \$12 per month is recommended.

H. R. 3404. Nancy A. Sumner, Velpen, Ind.

The claimant after having failed to procure a pension under existing laws was granted a pension of \$12 per month by a special act of Congress approved August 18, 1916, said action being based upon the following report:

H. R. 1831. Nancy A. Sumner, Velpen, Ind., widow of James Sumner, deceased, who served in the Regular Establishment as a corporal in Company A, Fourth United States Infantry, from August 4, 1867, to August 4, 1870, when honorably discharged. (Cert. No. 1013280.)

The soldier sought and secured a pension for disease of lungs, which was allowed from February 1, 1887, at \$4 per month, and was increased to \$8 per month, which rate he was receiving at the time of his death, July 30, 1913. Soldier died from disease of heart. He had never claimed heart disease as due to military service, and the claim filed by the widow was rejected on the ground that soldier's death from disease of heart, which had caused thrombus and subsequently paralysis for a week or so prior to his death, was in no sense the result of disease of lungs for which pensioned, and can not be accepted as due to military service 40 years prior to his death. Evidence filed conclusively proved the petitioner to be the lawful widow of the deceased soldier, and as such was paid the accrued pension due him at the time of his death. She has no children under 16 years of age. Aside from the evidence as to legal widowhood, the only testimony filed by the widow for the purpose of connecting the soldier's death with service was that of the attending physician, who states that several weeks prior to soldier's death he was wholly paralyzed, the paralysis being due to a thrombus arising from a diseased heart, and that, in affiant's opinion, this diseased condition of heart could have been and actually was a result of disease of lungs contracted by

soldier during military service, and for which he was pensioned for many years. The Bureau of Pensions would not accept this view, and therefore the claim was rejected.

With the bill the petitioner files an affidavit in which she states that she owns no property whatsoever; is the lawful widow of the deceased soldier; that she believes her husband's death was the direct result of disease of lungs, for which he was pensioned, and which was contracted by him in military service, but that the Pension Bureau will not accept this view of the case and has rejected her claim. Several lay witnesses by their testimony show the petitioner has not remarried since the date of deceased soldier's death; that she owns no property other than about \$50 worth of household goods, and that the claimant's health is very poor, and she is not able to earn a living by her own efforts. A physician testifies that petitioner suffers from chronic bronchitis and rheumatism; that she has given birth to 16 children during her life; is now over 64 years of age, weighs only about 110 pounds, and is wholly unable to earn her living by manual labor.

The committee believe from the evidence submitted in this case that a pension of \$12 per month to this widow is fully warranted, and it is so recommended.

Claimant is 68 years of age.

The evidence filed with the bill shows that she owns no property and has no income other than her pension of \$12 per month. The applicant states that no one contributes to her support. One witness states that her children help her, but not much.

A physician states that the claimant has tuberculosis of the lungs and bowels; that such physical condition is progressive, and that she is confined in bed about all the time and requires the regular attention of another person. Another physician states that claimant is emaciated and weak and wholly unfitted for self-support.

The rate of pension (\$12 per month) allowed the claimant by Congress in 1916 is the rate allowed widows of private soldiers who served during no wars and whose death was the result of their military service in line of duty. She is in receipt of that rate after having failed to established title under existing pension laws.

An increase of pension to \$20 per month is recommended.

H. R. 3429. Mary C. Allen, Graham, N. C., is the widow of Joseph W. Allen, who served in the Regular Establishment in Company F, Twenty-fifth Regiment United States Infantry, from February 27, 1872, to February 28, 1882, when honorably discharged. (Wid. Ctf. 744278.)

The soldier at the date of his death was in receipt of a pension of \$24 per month on account of catarrh and disease of lungs contracted in the service and in line of duty.

He died November 22, 1909, of disease of the lungs and the claimant was granted a pension of \$12 per month under the general law. This is the maximum rate of pension allowed widows of this class.

Claimant is 61 years of age, and it is shown by the evidence filed with the bill that she owns a small house in which she lives valued at \$1,275 and that she has no income other than her pension. Witnesses also state that claimant's health has been bad for several years and she has been unable to do but very little work and has no one to whom she may look for support.

A physician states that claimant is two-thirds incapacitated for earning her support by reason of age, 61, rheumatism, chronic heart trouble, and nephritis; is frequently confined to her bed and unable to care for herself.

An increase of pension to the rate of \$20 per month is recommended.

H. R. 3441. Bert Myers, Junction City, Kans., served during the war with Spain, in Company I, Twenty-second Regiment Kansas Infantry, from May 16, 1898, to November 3, 1898, when honorably discharged. (Inv. Ctf. 1245356.)

The soldier is pensioned at the rate of \$30 per month under the Spanish War act of June 5, 1920.

This action was based upon official medical examination of May 7, 1924, which disclosed that claimant is wholly incapacitated for earning his living on account of hemorrhoids, complete direct inguinal hernia, and cancer of stomach.

He was in a hospital for operation for cancer of stomach at time of examination.

Claimant is 47 years of age.

It is shown by the evidence filed in support of the bill that claimant owns no property and has no income other than his pension.

The soldier's family physician stated, January 3, 1925, that claimant is out of bed part of the time but absolutely unable to care for himself and under nurse's care all the time, and in all probability will be as long as he lives; also that claimant is under his care all the time.

The postmaster of Junction City, Kans., made the following statement, January 3, 1925, relative to the soldier's condition:

I received your letter of December 31 about 4 o'clock yesterday afternoon and in reply will say that I immediately got in touch with Doctor Carr to ascertain the present state of Mr. Bert Myers's disability. Doctor Carr had not seen Bert but once or twice since he left the Junction City Hospital here last June, but after conferring with him he suggested that we drive up and make a personal visit and secure the information you desired.

We drove to Wakefield this morning and visited Mr. Myers at the home of his sister, and Doctor Carr made an examination of Bert under my observation. From all appearances and indications, after seeing him this morning, his case is nothing short of hopeless, and as long as he lives he will have to be under the care of a nurse all the time. He is bedfast most of the time now, getting up for a short while each day and sitting in a chair, but his strength would not permit but little exertion.

In addition to my personal observation and statement herein contained relative to Bert's present condition, I am inclosing for your information and also the Committee on Pensions, a statement of Dr. D. O. Jackson, of Wakefield, who has been in attendance in Bert's case since he left this city. This statement you will note shows him to be totally incapacitated and under Doctor Jackson's care and virtually helpless.

I hope that I have secured information that will enable you to assist the committee in its work on the special bill.

A. P. SPESSARD, *Postmaster.*

Doctor Carr is the physician that operated upon the soldier in 1924, also the physician that examined him for the Pension Bureau. Witnesses also state that claimant is confined to his bed with little prospect of recovery, and that he had bad attacks of stomach trouble ever since his return from the war.

This Spanish-War soldier is in a serious condition with cancer of the stomach and with no prospects of recovery.

An increase of pension to \$50 per month is recommended.

H. R. 3534. Louisa W. Henderson, Grand Junction, Colo., is the widow of John Henderson, who served during the war with Mexico, in Company K, First Regiment Alabama Infantry, from June 29, 1846, to May 25, 1847, when honorably discharged. (Mex. War Wid. Cert. 8911.)

The claimant was married to the soldier November 1, 1855, and he died April 14, 1887. She is now pensioned at \$30 per month under the Mexican War service acts.

She is now 93 years of age, and testimony shows that in January, 1924, she fell and fractured the neck of the right femur, since which time she has been confined to her bed.

She states that she has \$800 worth of building and loan stock and a mortgage for \$1,800, on which she has not collected anything for five years and that her income is \$48 per year, exclusive of the mortgage; and witnesses corroborate her statement. She lives with a daughter, who owns some property, who states she has an income of \$1,500 per year, if she loses no rents, and that she also has a sister who lives with her, who is a semi-invalid.

In view of this widow's advanced age and bedridden condition, it is recommended that her pension be increased to \$50 per month.

H. R. 3541. James B. Bently, Cambridge, Mass., served in Troop G, Tenth Regiment United States Cavalry, from December 12, 1886, to December 12, 1891, when honorably discharged. (Inv. orig. 1193059.)

The records in the War Department show treatment in service for conjunctivitis, intercostal neuralgia, indigestion, ephemeral fever, colic, influenza, headache, intermittent fever, and bronchial catarrh.

Claims for rheumatism, filed July 21, 1897, and March 25, 1909, were rejected in June, 1909, on the ground that there was no record, medical or other satisfactory evidence of origin in service or existence at and continuous since discharge.

A physician testified in 1909 that he had deformity of left shoulder and neck and partial ankylosis of hip and knee from arthritis.

Since rejection, one witness has testified in a general way in a typewritten affidavit that soldier had rheumatism in service, but reopening has been denied.

Claimant is 58 years of age, and states that he has no property, and that his income is \$750 per year, and his employer states that he and his wife are employed by him as cooks and their joint wages are \$100 per month.

A physician testifies that he is suffering from marked emphysema, fatty tumors of neck, enlargement of left lobe of thyroid, atrophy of muscles of left arm, shoulder, and thorax, a hernia, and arthritis of left knee, and that he is unable to do more than one-half normal amount of work.

A pension at the rate of \$6 per month is recommended by your committee.

H. R. 3599. Leo Pope Ott, 266 Cooper Street, Atlanta, Ga., served in the Regular Establishment, in the United States Navy, from October 21, 1922, to November 9, 1923, when honorably discharged on account of physical disability. (Inv. Orig. 1491298.)

The records of the Navy Department show treatment in service as follows:

Sick quarters, Naval Training Station, Hampton Roads, Va.—November 27, 1922: Admitted with "rheumatism, muscular." Origin, in line of duty. Not due to misconduct. December 6, 1922: Transferred to United States Naval Hospital, Norfolk, Va., for further treatment.

United States Naval Hospital, Norfolk, Va.—December 6, 1922: Admitted with "rheumatism, muscular." Origin, in the line of duty. Incident to the

service conditions. December 15, 1922: Diagnosis changed to "intracranial injury." Origin, in the line of duty. Transferred to ward 7. Ward 7, December 15, 1922: Complains of pain in right parietal region and in right eye, also of fainting spells and dizziness at intervals while walking.

United States Board of Medical Survey of May 10, 1923, states: Diagnosis, intracranial injury; origin, in the line of duty; disability, not result of own misconduct.

Facts: While on duty at the naval training station, Hampton Roads, Va., patient received blow upon the head that resulted in unconsciousness. Upon admission to this hospital chief complaint was "fainting spells." Examination showed inequality of pupils with congested eye grounds. Spinal puncture shows marked increase in pressure, with increased cell count, and weakly positive. Wassermann.

Recommendation: That he be retained in this hospital for further treatment.

June 1, 1923: Some improvement noted. August 7, 1923: Recommended to go before board of medical survey for disposition.

Board of medical survey of August 8, 1923, states: Diagnosis, intracranial injury. Origin, in the line of duty. Disability, not result of own misconduct.

Facts are as follows: Admitted to hospital December 6, 1922. While on duty at naval training station, Hampton Roads, Va., patient received a blow from a club upon the head, which resulted in immediate unconsciousness. Upon admission, his chief complaint was fainting spells. Examination showed inequality of pupils with congested eye grounds. Spinal puncture showed marked pressure increase, with increased cell count. Noguchi test of fluid was weakly positive. Patient also complained of severe parietal headache. Examination revealed scar over right parietal bone, but no other pathology was discernible. Under treatment patient has improved considerably. Attacks are now much milder in degree, and of much less frequency. He now has an aura before they occur and is losing fear of them. He is up and about hospital grounds each day. It is believed he will be of no further use in the naval service. Hospital treatment not considered necessary. Present condition, unfit for service. Probable future duration, indefinite.

Recommendation: That he be discharged from the United States naval service. Enlisted subsequent to February 9, 1922, and therefore does not come within the purview of the United States Veterans' Bureau. November 9, 1923: Invalidated from service by approval of the recommendation of board of medical survey. No physical defects noted at enlistment.

His claim for pension was rejected July 2, 1924, on the ground that the alleged injury of head was not incurred in the line of duty, as shown by the evidence.

It appears from a consideration of all the evidence that claimant, on November 27, 1922, while putting his "sea bag" into shape was ordered by his superior in command to clean up the room. He refused to comply with the order at once and wanted to wait until after he had finished with his "sea bag." He called the officer a name for stating that he (the officer) would report him. Arguments followed resulting in the claimant first striking the officer with a broom and the officer afterwards striking the claimant on the head with part of a broom handle. This injury to the claimant's head evidently caused his present poor physical condition. The claimant was sent to the hospital upon receiving this injury, and curiously medical record was made "rheumatism, in the line of duty," and diagnosis changed December 15, 1924, to "intracranial injury, origin in the line of duty."

One year after the injury, or on November 1, 1923, a general court-martial was held in the case of Ray Williams, charged as being the one who hit the claimant on the head. He was acquitted of the charge. The claimant, Ray Williams, Lieut. Commander L. M. Schmidt, attached to the United States Naval Hospital, and one witness were examined. In brief their statements before the court were as follows:

Claimant:

On that date I was fixing my bag for inspection, and as I was fixing it Williams told me to sweep out from under the table. I told him I would as quick as I

got through with the sea bag. He said, "I didn't tell you to wait until you got through with the sea bag—I told you to do it now." And so he says, "I'll put you on report." I says, "Be a pimp and put me on report." He said, "Do you mean to call me a pimp?" I said, "No; I didn't call you a pimp." I said, "Be one and put me on report." And he kept on arguing and arguing. And I said, "Go to —." And I don't know whether he hit me for calling him a pimp, or telling him to go to —, but that is the last I rememebr, sir. The next thing I remember when I woke up I had smelling salts under my nose. That is the last thing I remember when I woke up.

Lieutenant Commander SCHMIDT:

Do you mean that this blow on the head started his condition, or that some other condition previous to this was accountable for it?

I have to answer that by explaining. Up to the time he received the blow there is no evidence that he had any fainting spells. Since receiving the blow he has had fainting spells. An examination of Ott's spinal fluid has syphilitic suggestions, which may have an element of hereditary syphilis. It is, in any case, chronic meningitis, whether or not of the syphilitic origin. It is impossible to say that the blow on the head caused this change in the meninges.

It is your opinion, though, Doctor, that Ott received, some time in the past, a very severe and damaging blow on the head?

He received a blow on the head sufficient to cause a scalp wound. Whether it was a developed injury or not, I can not say. It appears that it was sufficient to cause unconsciousness. The extent of the damage can not be measured. I might add to that, for the information of the court, many cases of a similar nature show no after effects such as Ott has had.

How large was this wound when you first saw it?

The red scar was little over an inch long.

Corliss H. McKenney:

Where were you on or about November 27, 1922?

I was coming through the training station out here in "X."

Did you see the accused on that date?

Yes, sir.

Did anything irregular occur on that date?

Yes, sir.

State fully what happened.

Well, Williams was the bungalow captain, and he told Ott to clean up something—some water or something; and Ott told him he was not going to do it, and he started out the room. When he got to the door he told Williams he was "nothing but a — — pimp." So Ott goes out, and returns in about fifteen or twenty minutes, and he picks up a broom as he gets in the bungalow. And Williams walks up to him and asked him did he mean what he called him, or whether he was just fooling. Ott says, "I mean it. I don't intend to take it back." And sooner than he said it, he struck at Williams with the broom and struck him on the left shoulder, and then Williams hit him.

What part of the broom did Ott strike at Williams?

The wooden end.

Handle?

Yes, sir.

In what manner did the accused address Ott when he ordered him to sweep out the room?

In a nice way.

Did the accused use any threatening or abusive language, or assume any threatening attitude toward Ott before Ott struck him with the broom?

No, sir; he did not.

Who struck the first blow?

Ott.

With what did the accused strike Ott?

He struck him over the left eye—up in here [indicating].

What did he strike him with?

Piece of a broom handle, something like a foot long.

Ray Williams (accused):

Well, sir, being bungalow captain, I had charge of the bungalow and all the men sleeping in there—everything. I gave this fellow Ott an order to swab down the deck, and he started giving me an argument, and I told him to go ahead and swab down, and he told me to go to —. And I told him I was going to put him on report, and he called me "a — — pimp." As he started out of the bungalow he called me that, and a broom was standing up at the end of the table. When

he came back in, I asked him did he mean it, and he said yes, and he wouldn't take it back and he picked up the broom and started to strike me with it, and I dodged him the first time, and the second time he hit me on the left shoulder. And, laying over the table about 2 feet away was a piece of broomstick about a foot long and I picked that up and struck him with it. Then I turned and left the bungalow immediately, and I don't know what happened after that—after I left the bungalow.

Why did you strike Ott?

Because he struck me first.

Were there any others present except you and Ott?

To the best of my knowledge, McKenney was the only one.

Did Ott give any reason for not complying with your order?

No, sir.

What did you do after you struck Ott?

I left the bungalow.

For what reason?

To report it to the master at arms.

With what weapon did you strike Ott? How large was it?

It was a piece of broom stick—about a foot long—just about as long—[indicating].

Claimant did not question the statements of the witness.

The claimant is 22 years of age. He claims he is wholly incapacitated for earning his support by reason of a fractured skull with symptoms of epileptoid attacks.

It is shown by the evidence that he owns no property and has no income and that his father is in feeble health and not able to work, and official medical examination of February 6, 1924, disclosed that claimant was wholly unable to perform manual labor by reason of attacks of unconsciousness, the result of a blow upon the head, causing depression of the skull and intracranial hemorrhage.

The claimant was operated upon November 7, 1924, and the physician's affidavit is as follows:

I examined the soldier and found he was apparently suffering from traumatic epilepsy resulting from a blow he is said to have received upon the head while serving in the Navy. That an operation was recommended; that on November 7, 1924, under ether anesthesia, I operated upon the soldier at United States Veterans' Hospital No. 48; that in this operation I removed a piece of the skull where the old fracture had healed, leaving a thick skull; that the brain was exposed; that a celluloid plate was introduced into the defect of the skull; that the soldier's disability has been total ever since he has known him.

W. P. NICOLSON, Jr.,
Major Medical O. R. C.

Witnesses state that it is not safe for claimant to be on the street, as he is subject to falls and is entirely unable to work.

The soldier has just been operated upon and the success of this operation remains to be seen. However, one with a celluloid plate in his skull will never be able to perform the labor of a healthy man.

The statement of Representative Upshaw of January 16, 1925, relative to the claimant is as follows:

I personally visited this unfortunate young man twice in the United States Veterans' Hospital No. 48, Atlanta, Ga., where he is now receiving treatment. His physical condition is pitiful. He has to be held in the rolling chair (which he occupies all the time while not in bed) by a strap in front of him in order to keep him from pitching forward on account of the effect of his fractured skull upon his brain and will power.

The outstanding facts in his case are these: Leo Pope Ott was a healthy, vigorous youth of good habits before he joined the Navy, being a regular attendant, as neighbors testify, of Sunday school and church, and saving his money. As a result of stay in the Navy, he is now ruined for life. The simple incident of a misunderstanding with a petty officer of the day (a bungalow captain) is not

unusual for sailors thus surrounded. The official reports show that he received his injury in line of duty, and I feel that since he was a young man of good health and habits before entering the Navy and he has been sent back to his poor old mother ruined for life, \$30 a month is certainly little enough to be given him in his helpless condition and his mother's great distress.

A pension of \$30 per month is recommended by the committee.

H. R. 3630. William H. Cole, 1212 D'Antignac Street, Augusta, Ga., served during the war with Spain. He enlisted in Battery H, Third United States Artillery, March 1, 1894, and served until February 28, 1899, when honorably discharged. (Inv. Cert. 1183985.)

Soldier is now pensioned under the act of June 5, 1920, at \$30 per month, the maximum rate.

He is 52 years of age, married, and has several children under 16 years of age and has no property and no income other than his pension, and a physician testifies that he has treated him for rheumatism for six or eight years and that he is totally unable to do any sort of manual labor on account of rheumatism, which has affected his joints and spine.

Last official examination was made April 12, 1922, when he was found to be wholly disabled.

An increase of pension to \$40 per month is recommended.

H. R. 3631. Eugene A. Rentz, National Sanatorium, Johnson City, Tenn., served during the border defense in Troop K, Second Squadron Cavalry, Georgia National Guard, from July 16 to July 19, 1916, when honorably discharged. (Inv. Orig. 1473986.)

In October, 1922, soldier filed a claim for pension, alleging that on June 28, 1916, he contracted a severe cold developing into chronic bronchitis and later into pulmonary tuberculosis.

The claim was rejected February 13, 1923, on the ground that, according to claimant's own allegation, the alleged severe cold was contracted prior to his muster into the United States service.

The War Department records show that he enlisted in the National Guard June 23, 1916, and reported June 23 and was mustered in July 16, 1916, and that he was discharged three days later, July 19, 1916, because of physical disability, but the records fail to show the nature of the disability. Further search of the records of the War Department disclosed nothing additional.

In support of the bill the affidavit of Dr. J. D. Peacock, of Wadley, Ga., has been filed, in which he states he was soldier's family physician for years prior to his service, and that his health was perfect, and there has also been filed the affidavits of two other persons to the same effect. There have also been filed what purports to be copies of statements of Drs. E. A. Gilbert and E. D. Price, filed in the Veterans' Bureau, but the name of the person to whom they refer is not given on these copies, but in all probability they relate to this soldier.

Doctor Gilbert states he examined him about September, 1921, and found active tuberculosis, and that he advised him to go West. Doctor Price testified that he examined him July 14, 1922, and found pulmonary tuberculosis.

In an affidavit recently filed Dr. L. H. Senteff testifies that July 11, 1924, soldier was admitted to the National Sanatorium with chronic active pulmonary tuberculosis far advanced, with cavity

both uppers, and that he also had fistula in ano, chronic laryngitis (nontuberculous), and rhinitis.

Claimant is 29 years of age and has no property or income.

There is no evidence on file to show existence of any lung trouble until 1921, five years after discharge.

In response to a call made for evidence to show condition at and for some years after discharge the claimant's affidavit, which follows, was filed:

I, Eugene A. Rentz, late of Troop K, Second Squadron, Cavalry, enlisted on June 23, 1916, at Augusta, Ga. On or about three days later we were ordered by the Government to move to the training camp, Camp Harris, Macon, Ga. On arriving at this camp about 4 o'clock in the afternoon it was pouring down rain and we had to march through the rain and wade a little stream of water that separated the Cavalry camp from the Infantry camp. Not having issued dry clothing, we had to sleep that night in wet clothing. This exposure caused me to take a very severe cold, resulting in bronchial trouble and a hard cough.

I was treated in camp for this trouble which almost resulted in pneumonia. I was unable to drill or to do any work from that time, and was finally given an honorable discharge from the United States Army, with a certificate of disability.

I left camp and went home for a few months, and although I was not attended by a physician I did not feel well and coughed continually. I left home and went from place to place trying to work and having to lay off so much I could not hold a position any length of time.

In 1917 I had a spell of bronchial trouble with pneumonia. I was treated by a physician for about three weeks. I only recall the name of Doctor Schnuter. His office was on Broughton Street, Savannah, Ga. I was again treated in Savannah in 1918 for about a week with la grippe. The next time was the last of 1919, in Birmingham, Ala. I was treated for cold, fever, and cough. I do not recall the doctor's name there. I had to quit my position in Birmingham; went to Chattanooga, Tenn., in 1920.

In 1921 I became ill with tuberculosis, and was treated by Dr. E. A. Gilbert, of Chattanooga, Tenn. He told me that I had tuberculosis for several years, as the X-ray pictures I had made there showed old trouble. Until 1921 I was able to work part of the time, but was tired all the time, and since my breakdown I tried to work but this resulted in hemorrhages. Once again, in Salt Lake City, Utah, I tried to work, and this also resulted in hemorrhages in the early part of 1923. I have been a bed patient since that time.

I was never sick before I entered the service, and I have not been well since I was discharged.

EUGENE A. RENTZ.

JANUARY 5, 1925.

The committee recommends a pension at the rate of \$12 per month.

H. R. 3634. Asa C. Pieratt, Hazel Green, Ky., served during the war with Spain in Company I, Fourth Regiment United States Cavalry, from July 21, 1897, to July 20, 1900, when honorably discharged. (Inv. Ctf. 1120085.)

The soldier was in receipt of a pension of \$14 per month, allowed under the general law on account of disease of stomach, dysentery, and resulting disease of rectum contracted in the service and in the line of duty, when he was granted a pension of \$18 per month under the Spanish War act of June 5, 1920.

His claim for increase under the act of June 5, 1920, was rejected April 5, 1924, on the ground that his pension of \$18 per month was commensurate with the degree that he was incapacitated for the performance of manual labor.

This action was based upon official medical examination of March 5, 1924, which is as follows:

We find on examination no enlargement of the heart. No dilatation and no valvular lesion but a nervous heart, which is very easily excited and regular.

No irregular action on being exercised. We can not find any disease of stomach, get a history of indigestion after eating meats, especially the heavy meats which we think cause the palpitation or excitement of heart action.

We find no evidence of dysentery on examination—only a history of attacks at irregular intervals which are not very conclusive. There is no evidence of piles. Only a history of attacks of them coming down when doing lifting or straining work. Poorly nourished which we think causes the muscular weakness more than the nervous debility which may be from indigestion. No vomiting, no pain before or after eating. We find nothing we can increase the present rate on but would recommend another examination six months hence.

Claimant is 48 years of age, and it is shown by the evidence that he owns no property other than household goods worth about \$250 and that his annual income from all sources is \$400.

A physician states that he has been the claimant's family physician ever since his discharge from the service and that he considers the claimant is at least three-fourths disabled by reason of chronic dysentery, stomach trouble and a bad heart. Witnesses also state that claimant is three-fourths incapacitated for the performance of manual labor.

An increase of pension to the rate of \$24 per month is recommended.

H. R. 3635. Frank M. Griffin, Fullerton, Ky., served during the war with Spain in Company B, Fourth Regiment Kentucky Infantry, from June 24, 1898, to February 12, 1899, when honorably discharged. (Inv. Ctf. 1051780.)

The soldier was first pensioned at the rate of \$8 per month for bronchitis due to service. Disease of eyes were rejected because same could not be proven to be due to his military service. However, six months after discharge claimant filed a claim alleging disease of eyes and official medical examination of September 5, 1900, disclosed granular conjunctivi involving both eyes.

He is now pensioned at the rate of \$30 per month under the Spanish War act of June 5, 1920.

Expert medical examination of March 24, 1923, disclosed that the optic nerves are affected and that claimant's vision has been reduced to perception of light only. No evidence of venereal disease, and Wassermann reaction negative.

A physician states as follows relative to claimant's present physical condition:

That he is a practicing physician, and has been acquainted with the above-named soldier for about two years, and that he did not know the above-named soldier prior to enlistment, but has known him for four years. I have known him intimately for the past two years and have been his family physician for that length of time. I live within a square of his home and see him about every day.

I have treated soldier since discharge. I was called to see him about January 15, 1923. He was suffering an acute exacerbation of a chronic bronchitis. My examination at that time revealed an almost total loss of vision, high blood pressure 240 mgm., an enlarged heart, with mitral insufficiency, and a chronic nephritis. I have treated him continuously since that date, except for periods when it became necessary to discontinue medication because of intolerance to drugs.

About January 1, 1924, he had a slight cerebral hemorrhage with accompanying hemiplegia of left side. He was confined to his bed for 17 weeks, and has not completely recovered as yet. His general condition is such that he requires constant attendance. He has been totally disabled for the performance of manual labor for two years to my personal knowledge.

H. W. EDGINGTON, M. D.

The claimant is 65 years of age and married. It is shown by the evidence that he owns a house and lot in Fullerton, Ky., valued at \$700, and that he has no income other than his pension.

An increase of pension at the rate of \$50 per month is recommended.

H. R. 3644. Abijah Eversole, of Jackson, Ky., served during the war with Spain, in Company A, First Regiment Kentucky Cavalry, from May 11 to October 14, 1898, and in Companies K and M, Ninth Regiment United States Infantry, from September 12, 1901, to October 11, 1903, when honorably discharged. (Inv. Orig. 1448605.)

Claim under the act of June 5, 1920, was rejected December 1, 1922, on the ground of no disability independent of the effects of specific disease and alcoholism shown by evidence obtained on special examination.

It appears that this man's disability is a mental one. The evidence shows that he has been very intemperate, and his condition is attributed to that cause and syphilis.

The following abstract from the records of the St. Lawrence State Hospital was obtained on the special examination:

Abijah Eversole: Admitted to the St. Lawrence State Hospital July 22, 1922; was brought to the hospital by his brother from a hospital in the city of Ottawa. He was committed July 24, 1916.

The history in this case indicates that the patient was born in Kentucky; was a horse dealer by occupation; a gambler, immoral, lived with different women and frequented the society of immoral women; contracted syphilis at the age of 20, which was 18 years previous to his admission to the hospital. Received treatment with mercury for three or four months.

He began to drink early in life; his favorite drink was high-proof whisky. He was several times in hospital for treatment for acute alcoholism or delirium.

On admission the patient was hallucinated, heard voices talking to him; said he had seen visions; that he was the Prince of Heaven and within 10 years would occupy God's throne. He thought that he had been given a lot of hyoscine at the Ottawa hospital and said he had seen hyoscine in his food here. He was restless, laughed and talked to himself; seclusive.

Physically, scar on the genital organs and limbs indicative of syphilis; pupils reacted sluggishly through a small margin. Blood Wassermann weakly positive; spinal fluid strongly positive, 28 cells, globulin weakly positive. Pulmonary tuberculosis was also present and tubercle bacilli were demonstrated in the sputum. During his stay in the hospital he was at times resistive, irritable, and sarcastic, and attempted to escape from the tuberculous pavilion where he was for a time treated.

His brother came to the hospital August 22, 1916, and the patient was discharged into his custody to be taken to his home in Kentucky.

Inasmuch as the history indicated that there had been a change in the patient's disposition for the past two years previous to his admission, the conclusion was reached that the psychosis was probably neurosyphilitic in origin, and a diagnosis of general paralysis was made.

He was discharged August 22, 1916, with a diagnosis of dementia paralytica cerebral form. Condition on discharge, unimproved.

Other evidence shows that soldier has been very intemperate in his habits.

Claimant is 46 years of age and has no property. Three witnesses testify that claimant had typhoid fever in the service.

A physician testifies that he has treated soldier since October, 1923, that he had a hacking cough which seems to come from a tickling in his throat and had spit blood which came from his throat, and that a diagnosis of chronic pharyngitis was made and treatments given at his office October 10, 1923, November 26, 27, and 28, 1923,

December 3, 1923, January 22, 1924, and June 4, 1924, and at various other times.

A pension at the rate of \$6 per month is recommended.

H. R. 4161. Antonio Alberto Madero, United States veterans' hospital No. 24, Palo Alto, Calif., served during the war with Spain, in the United States Navy from August 20, 1895, to May 23, 1899, when honorably discharged. Also served in the United States Navy from February 7, 1903, to February 6, 1907, when honorably discharged. (Inv. Ctf. 1186581.)

Claimant is now pensioned under the act of June 5, 1920, at the rate of \$30 per month.

He is 60 years of age and has no property or income other than his pension, and witnesses state he has been an invalid for years.

A physician testifies that he examined him October 6, 1924, and found dullness over the apices, vesicular breathing and râles, evidence of pulmonary tuberculosis of both lungs, and that he had treated him for asthma in 1916.

In 1920 sailor stated that his wife Rosa Paulina was dead, but a letter has recently been received from one Maria Madero, 293 Eighth Street, San Francisco, Calif., stating that she was his wife.

Witnesses state that claimant has pulmonary tuberculosis and is wholly unable to support his mother and two minor children.

An increase of pension to \$40 per month is recommended.

H. R. 4353. Rufus W. Jones, Fitzsimmons General Hospital, Denver, Colo.

The soldier's pension was increased from \$30 to \$50 per month by special act of Congress approved December 8, 1924, said action being based upon the following report:

H. R. 3090. Rufus W. Jones, Battle Mountain Sanatorium, Hot Springs, S. Dak., served during the war with Spain in Company L, First Alabama Infantry, from April 30 to October 31, 1898, when honorably discharged. (Inv. Ctf. 1199810.)

Claimant is now pensioned at \$30 per month under the act of June 5, 1920.

He states that he is 43 years of age, and that his property consists of household goods worth \$300, and that his income is his pension, and witnesses corroborate his statement, and the witnesses state he has tuberculosis and is practically bedridden.

Dr. James A. Barker, governor and surgeon of the sanatorium, states as follows:

That he is a practicing physician and has been acquainted with the above-named soldier for about one year, and that during that period said soldier has been treated in the Battle Mountain Sanatorium for advanced pulmonary tuberculosis. Affiant has seen patient almost daily during the past year and knows that he has been totally disabled from following any gainful occupation whatsoever. About five months ago he had a severe pulmonary hemorrhage and since that time it has been necessary for him to remain in bed practically all the time and have the service of nurses and attendants.

The advanced stage of his case will make it necessary for him to live a quiet life. He is totally and permanently disabled from earning a living by manual labor and at times will require the service of some other person for his proper care.

He further declares that he has been a practitioner of medicine for 23 years.

JAMES A. BARKER, M. D.

Claimant, at present an inmate of the Battle Mountain Sanatorium, it appears has a wife but no small children dependent upon him,

and in view of his condition an increase of his pension to \$50 per month is recommended.

Another bill has been introduced proposing to increase his pension to \$72 per month.

The Member who introduced the bill states that several doctors and persons familiar with the soldier's case have recently stated to him that they can give no hope for claimant's recovery; that it is necessary that his wife remain near him, and this she can only do provided the soldier is given another increase of pension and help from charity.

The claimant having far-advanced tuberculosis, and in view of all of the facts, it is recommended that his pension be increased to \$72 per month.

H. R. 4354. Conrad Nagel, Scotts Bluff, Nebr., served during the war with Spain in Company A, First Regiment Nebraska Infantry, from May 2, 1898, to August 23, 1899, when honorably discharged. (Inv. Ctf. 1212645.)

The records of the War Department show treatment in service at Manila, P. I., for malarial fever.

Soldier is pensioned at the rate of \$30 per month, the maximum rate allowed under the Spanish war act of June 5, 1920.

Official medical examination of February 6, 1922, disclosed that soldier was entirely incapacitated from earning his support by manual labor by reason of injury to spine caused by a hay stacker passing over his body January 13, 1919; that the first, second, and third dorsal vertebrae were fractured, causing injury to spinal cord and partial paralysis of both legs.

A physician states that claimant has had two operations upon his spine for "relief of pressure," with very little benefit, and has partial paralysis of both legs, and suffers with much pain. Witnesses state that claimant is wholly unable to perform manual labor by reason of partial paralysis of both legs and feet, that he depends on crutches and assistance from others for means of locomotion.

The claimant is 48 years of age, married, and has several small children.

It is shown by the evidence that he owns a farm of 80 acres of land, worth about \$10,000, upon which there is a mortgage of \$5,000; that his annual income from all sources, after deducting expenses for operating the farm, such as paying for help, etc., is about \$1,000.

An increase of pension to the rate of \$40 per month is recommended.

H. R. 4408. Arria S. Sargent, R. F. D. No. 4, Auburn, Me., is the mother of Harry L. Sargent, who served during the war with Spain, in Battery A, First Regiment Maine Heavy Artillery, from May 2, 1898, to March 31, 1899, when honorably discharged. (Moth. Orig. 962962.)

The records of the War Department show treatment in service as follows:

August 31 to November 9, 1898, strain muscles of back lumbar region from floor of tent falling on him while sawing it at Fort Popham, Me., August 31, 1898.

November 9, 1898, to January 13, 1899, strain muscles of back lumbar region from floor of tent falling on him while sawing it at Fort Popham, Me., August 31, 1898.

Typhoid fever November 17, 1898, in line of duty; strain of muscles of back ured.

December 1, 1898, absent sick on furlough from January 13, 1899, to March 11, 1899, per indorsement headquarters Department of the East—January 9, 1899. Returned from furlough March 11, 1899, and returned to duty March 18, 1899.

Claim under the general law was rejected May 31, 1911, because there was no record, medical or other evidence showing existence in service of soldier's fatal Bright's disease complicated with pericarditis (inflammation of sac containing the heart) and claimant's failure to connect same with service, and this action was affirmed on appeal July 11, 1922, the Secretary stating in his decision as follows:

The claim is that the fatal disease resulted from an injury of back received in service and constipation following typhoid fever. Both the injury alleged and typhoid fever are of record. Constipation is not shown to have followed typhoid, and if it were it could not be accepted as a cause of Bright's disease. It is scarcely possible that the kidneys could have been involved in such an injury of back as is shown in service and there is no evidence that they were.

The claimant is 71 years of age, and has no real estate and only some household furniture, and her income is \$6 per month State aid. She is quite deaf and has sick spells and is not able to work much.

Claimant is a widow. Evidence filed shows that she is the soldier's mother and that the soldier left no widow or children under 16 years of age.

A pension of \$12 per month is recommended.

H. R. 4421. Ella M. Shaffer, Derry, Pa., is the widow of Edward Shaffer, who served in Troop C, First Regiment United States Cavalry, from January 22, 1873, to January 22, 1878, when honorably discharged. (Indian War Wid. Ctf. 9411.)

Claimant is now pensioned at \$12 per month under the act of March 4, 1917, on account of soldier's Indian war service.

She was married to him February 17, 1880, and he died September 24, 1910.

She is 65 years of age and states that she owns property worth \$3,000, mortgaged for \$1,000, and that she has no income now but her pension, and witnesses corroborate her as to the value of her real estate, and state she has no personal property or other resources to their knowledge.

A physician who has known her seven or eight years stated that she has been able so far to keep boarders, but is unfitted for doing that on account of age and a gall bladder trouble.

An increase of pension to the rate of \$20 per month is recommended.

H. R. 4613. Hester P. Hart, Angola, Ind., is the former widow of William Stafford, who served during the war with Mexico in Company H, First Regiment Michigan Volunteer Infantry, from November 20, 1847, to July 27, 1848, when honorably discharged. (Mex. War Wid. Ctf. 15067.)

The claimant was pensioned under the act of January 29, 1887, as soldier's widow and was paid to August 10, 1920, when her pension ended because of her marriage that day to one Andrew Hart.

Said Hart served in Company H, One hundred and twenty-ninth Indiana Infantry, in the Civil War and was pensioned under certificate No. 384243.

A report in that case shows that he died April 13, 1924, as stated by the widow.

Claimant has no title to pension as his widow because she was married to him after 1905.

She is 70 years of age and has a house and lot worth \$300 or \$400, and she states she has no income, as do her witnesses, and a physician testifies she has heart disease and senility and only about one-eighth able to support herself.

Remarried widows of Mexican War soldiers have no title under existing law to pension. Such widows of Civil War soldiers have.

Renewal of pension at the rate of \$30 per month on account of her first husband's service in the Mexican War is recommended.

H. R. 4854. Linna L. White, Hastings, Mich., is the widow of Cassius G. White, who served in the United States Navy, regular establishment, from January 7, 1890, to January 6, 1891, and from January 19, 1892, to November 22, 1892, when honorably discharged. (Wid. Orig. 1131482.)

The records of the Navy Department show treatment in service for rheumatism only.

The sailor was pensioned under the general law at \$17 per month for rheumatism contracted in service, a claim for disease of lungs having been rejected in 1895 because said disease was not satisfactorily shown due to service.

Claimant was married to sailor April 8, 1886, and he died September 26, 1918, the cause of death being given in the public record as cerebral anemia.

The widow's claim was rejected July 23, 1919, on the ground that the disease of brain of which sailor died was not the result of rheumatism for which he was pensioned and could not be shown to have been otherwise due to his service.

In the public record the cause of death is given as cerebral anemia.

Dr. F. G. Sheffield testified November 13, 1918, as follows as to cause of death:

I was called to treat him on September 22, 1918, prior to his death, which occurred on September 26, 1918. I further declare that I have not known Mr. Cassius G. White prior to September 22, 1918. On examination I found him suffering from muscular rheumatism, swollen joints, and very painful. He also had sclerosis, which affected heart and brain, and I further believe that death was due to resulting rheumatism, affecting the heart and brain.

Rheumatism, from which he has been a long and constant sufferer from pains centered about the heart, caused his death.

Dr. A. L. Taylor testified March 15, 1919, as follows:

That he is a practicing physician and has been acquainted with the above-named soldier for about 25 years, and that during that time I have treated him at various times for muscular and articular rheumatism. At times his condition was such on account of rheumatism that he was unable to perform but very little work. About two years before his death he visited my office for treatment. At that time his condition had become very serious. His blood pressure I found to be very high, about 240, as near as I can recollect. I had never treated him for the past few months before death, but on careful inquiry among his friends I have no doubt but what the diseased condition of the blood vessels was caused by his chronic rheumatism. There is no doubt in my mind but what his death was brought about by the above-named conditions.

Sailor was 58 years of age when he died.

In an affidavit filed in the case the claimant stated that she called Dr. F. S. Sheffield September 22, and that sailor died September 26, 1918, and that the doctor made a partial examination of sailor and

said nothing could be done except to keep him easy and he never had treated him any way and that the undertaker took the death certificate to him and he made it out stating cerebral anemia, while as a matter of fact he had been for many years afflicted with rheumatism.

Claimant is 62 years of age and has only a small amount of household goods and no income except from labor when able to work.

Dr. A. L. Taylor again testified April 24, 1924, as follows:

That he is a practicing physician and has been acquainted with the above-named claimant for about 30 years, and that to the best of my knowledge and memory I treated Cassius G. White at various times during the past 30 years of his life. That I treated him for muscular rheumatism, arteriosclerosis. I remember that he suffered severely at times with rheumatism, and to the best of my memory rheumatism was indirectly the cause of his death.

He further declares that he has been a practitioner of medicine for 38 years.

Evidently claimant and the physician believe that the sailor's rheumatism was a factor in cause of death but the medical officers of the bureau decline to accept death due to same.

Legal widowhood has been accepted and accrued pension paid to claimant.

The committee recommends a pension of \$12 per month.

H. R. 4886. Crawford Blair, 2513 Empire Avenue, Joplin, Mo., served during the war with Spain, in Company F, Twentieth Regiment Kansas Infantry, from May 12, 1898, to October 28, 1899, when honorably discharged. (Inv. Cert. 1185460.)

The claimant is now pensioned under the Spanish war act of June 5, 1920, at the rate of \$30 per month.

This pension was granted upon the following official medical examination of October 4, 1922:

Heart, normal; lungs, normal; stomach and bowels, normal; kidneys, normal; vision and hearing, normal.

This man has had a stroke of paralysis. From the history of the case we consider it a small embolus. He can walk a little, but his foot is turned in and there is a shortening; the paralysis is on the right side. There is a tremor on that side. Right arm around the biceps 9 inches, left arm 10 inches; right hand around the palm 8½ inches, left hand 9 inches; right thigh 14 inches, left thigh 17½. The right toe is turned inward, a partial luxation of the hip causes shortening of 1 inch; the outer side of the right foot drags in walking. While he can write with his right hand, it is very slowly; he can not hold any heavy thing nor execute any quick movements. We find the man disabled for manual labor totally on account of paralysis and recommend a rating of \$30.

He is 45 years of age. It is shown by the evidence that he owns an equity in a small house and lot which was sold to him for \$250, and that he has no income other than his pension.

Witnesses state that the claimant has total paralysis of his entire right side and that they have often seen him take one-half hour to go two blocks, throwing right leg and then hobble over to left leg, dragging himself along. They also state that the claimant's wife helps by doing family washings. A physician states claimant is totally disabled on account of paralysis.

An increase of pension to \$50 per month is recommended.

H. R. 5136. Emma Meckel, 316 Bray Avenue, Evansville, Ind., is the widow of Charles C. Meckel, who served during an Indian war in Troop I, Fifth Regiment United States Cavalry, from Sep-

tember 1, 1873, to September 1, 1878, when honorably discharged. (I. W. W. Cert. 8472.)

This claimant is now pensioned as the soldier's widow at \$12 per month under the act of March 4, 1917, on account of his Indian war service.

She was married to the soldier May 15, 1888, and he died April 27, 1912.

She is 59 years of age and states that she has no property or income other than her pension and witnesses corroborate her and state that she is living with a married daughter.

A physician testifies that she has spinal sclerosis and has difficulty in walking and staggers a great deal, and also has other troubles and that she is not able to perform any manual labor and is dependent on a son and daughter for support.

An increase to \$20 per month is recommended.

H. R. 5307. Minnie Wolfe, R. R. No. 2, Macomb, Okla., is the widow of Charles H. Wolfe, who served during the Philippine insurrection, in Company C, Eleventh Regiment United States Cavalry, from April 9, 1902, to April 8, 1905, when honorably discharged. (Wid. Orig. 1215708.)

Her claim under the act of September 1, 1922, was rejected March 27, 1924, on the ground that the soldier rendered less than 90 days military service during the Philippine insurrection, since that insurrection ended July 4, 1902.

The claimant married the soldier September 12, 1916. She is shown from the evidence to be the soldier's legal widow. She was first married to W. M. Helsel, from whom she was divorced March 6, 1916. Soldier had no prior marriages and lived with the claimant from date of marriage to the date of his death, December 7, 1922. Identity has been established.

Claimant is 36 years of age. The evidence filed with the bill shows that she owns no real estate, has four very small children of the soldier's under 16 years of age to support; that she has all of these children in her custody and supports them by working in the fields and from charitable contributions received.

The claimant's husband rendered three years of military service, 87 days of which were during the Philippine insurrection (three days short of the 90 days required to give her title to a pension).

Under the circumstances it is recommended that the claimant be granted a pension of \$20 per month with \$4 per month additional for each of the soldier's minor children under 16 years of age.

H. R. 5432. Bridget M. McCarty, Bellefontaine, Ohio, is the widow of Eugene McCarty, who served in the Regular Establishment, in Company H, Second Regiment United States Infantry, from October 5, 1876, to October 4, 1881, when honorably discharged. (Wid. Cert. 483088.)

This widow is now pensioned under the general law at \$12 per month, her husband having died of disability due to service.

This is the rate provided for widows of persons who died of disabilities due to service during time of peace.

Claimant is 64 years of age, and states that she has a lot in Bellefontaine, Ohio, of the value of \$3,000 and no income except her pension. One witness states that her property is a homestead

(house and lot) worth about \$1,500 and that she has no income except her pension. Another witness states that the property is worth about \$2,000.

A physician states that her age is such that she is not able to support herself by her own labor. Claimant's witnesses first stated that she has a son who contributes a small amount to her support out of his salary of \$20 per month. The committee requested that she explain why this son earns so little, and in response she filed supplemental affidavits of these witnesses explaining that they did not intend to make such a statement but meant to state that out of her single son's salary of \$100 per month claimant was receiving \$20 per month.

The committee recommends an increase of pension to \$20 per month.

H. R. 5452. Edward J. McCauley, 164 Saratoga Avenue, Brooklyn, N. Y., served during the war with Spain in Company E, Fourteenth Regiment New York Infantry, from May 2 to August 24, 1898, when honorably discharged on account of disability (varicose veins). (Inv. Cert. 1094739.)

He was allowed a pension of \$6 per month from November 7, 1898, for varicose veins of left leg, which was due to line of duty.

Claimant is now in receipt of a pension of \$15 per month under the act of June 5, 1920. His application for increase was rejected January 29, 1924, on the ground that the evidence failed to show a degree of inability to earn a support by manual labor warranting a rate of pension in excess of \$15 per month.

This action was based upon the following official medical examination of January 2, 1924:

The inner aspects of the left lower thigh and of the whole left leg and foot are covered with marked varicose veins, affecting the internal saphenous veins and branches. Most of these varicose veins have a half-inch diameter. No tendency to rupture and no scars or ulcers. The lumbar muscles are painful on pressure and on flexion of the spine, but on stooping he does not hold the spine erect. Heart and vital organs are normal. Urine clear, yellow, 1016; acid normal. Claimant's general health is fair. Aggregate disability is one-tenth (\$12). No vicious habits. No other disability.

Claimant is 50 years of age. The evidence shows that he owns no property and has no income.

A physician and two neighbors state that claimant is three-fourths incapacitated for earning his support by manual labor by reason of varicose veins of left leg.

The committee recommends that claimant's pension be increased to \$18 per month.

H. R. 5656. Thomas E. Whalen, 433 Massachusetts Avenue, Boston, Mass., served during the Philippine insurrection in the Hospital Corps, United States Army, from October 19, 1899, to October 31, 1902, when honorably discharged. (Inv. Ctf. 1235971.)

The soldier is now pensioned under the act of June 5, 1920, at the rate of \$30 per month.

He is 55 years of age and evidence shows that he has no property and no income except his pension, and witnesses state that his sight is such that he can not go about unattended and that he has diabetes and has not been able to work for a long time.

A physician testifies as follows:

That he is a practicing physician, and has been acquainted with the above-named soldier for about two years.

Mr. Thomas E. Whalen first seen in office January 30, 1923. Complained of blurred vision, which he has noticed for past few months, was told before that he had cataracts.

Vision on January 30, 1923: Right eye, 20/40; improved with glasses to 20/30. Vision left eye, 20/200; not improved. Diagnosis made of incipient cataracts both eyes, more advanced left eye. Next seen on July 28, 1923. Vision failing in right eye. Improved to 20/60 with best glasses; vision left eye 20/200; not improved. Next seen November 13, 1923. Vision has failed considerably; right eye, 20/100; left eye, 20/200. Not improved with glasses. On July 23, 1924, vision right eye, 20/70; not improved. Left eye, 5/200; not improved. Last seen December 29, 1924. Vision right eye, 20/200; left eye, fingers at 6 inches. Considerable increase in cataracts.

General condition poor, "diabetic"; has had considerable amount of sugar in urine; on strict diet at present.

It seems that Mr. Whalen is incapacitated for any sort of work at the present time, because of his vision and of his general condition.

RALPH H. RUGGLES, M. D.

The board that examined him October 8, 1924, stated that he was so disabled from cataract in both eyes as to require the frequent and periodical though not regular and constant attendance of another person.

Soldier was never married.

Another physician's affidavit was filed January 13, 1926, and condition as shown is about the same as above cited. Has been operated upon with no good results.

An increase of pension to \$40 per month is recommended.

H. R. 5668. William T. Hedges, Laurelvile, Ohio, served in Company H, Sixth Regiment United States Infantry, from June 14, 1902, to June 22, 1904, when honorably discharged. Had prior service in Company D, Seventeenth United States Infantry, from December 1, 1886, to November 30, 1901. (Inv. Ctf. 1169535.)

Soldier is now pensioned under the general law at the rate of \$12 per month for disease of lungs and disease of neck, and a claim for increase was rejected January 11, 1924. He claimed that the usefulness of his right arm was materially impaired from the effects of an operation on his neck in the service. Before the increase claim was adjudicated a special examination was held to determine how and to what extent his right arm was affected and it was found that there was not much disability of the arm and he admitted that he had good use of his hand, and it appeared he could use the arm and hand very well but had difficulty in raising arm and hand above his head.

The certificate of the board of surgeons that examined him February 14, 1923, shows as follows as to pensioned disabilities:

Scar posterior to sterno-mastoid muscle at base of neck where lymphatic gland removed while in service. Scar $2\frac{1}{2}$ inches long not retracted. Nerve supply to shoulder muscles injured at operation, making it impossible to raise right arm to head.

Marked atrophy of muscles, posterior aspect of shoulder. Lungs: Chest at inspiration, 39 inches; expiration, 37; rest, 36. Auscultation negative. Percussion, negative. Tender to pressure over third rib right side. From subjective symptoms there are pleuritic adhesions under third rib. No hemoptysis, no cough, no expectoration.

Claimant is 60 years of age and testimony shows his property is not worth over \$500, and he states his income aside from his pension is practically nothing.

A physician testifies as follows:

That he is a practicing physician and has been acquainted with the above-named soldier for about 10 years, and that I have at various times made physical examinations of William S. Hedges, and have treated him on several occasions for bronchial trouble. This gives me a very good opportunity for knowing his physical condition quite well.

I have this day (December 8, 1924) made a careful physical examination of the applicant. I find that the use of his right arm is very much limited; he can not raise his arm to a level of the shoulder without taking hold of it with the other hand and aiding in the raising of right arm. It is a physical impossibility for him to place his right hand on the back of his neck or to get his right hand to his ear. This is due to an operation while in the Army in November, 1893, for the removal of a gland in the neck, which incision in this operation severed certain ligaments which control the use of the arm. This is irrecoverable.

He also suffers from atrophy of right side and lung. Measurements show right side 1 inch smaller than the left. His expansion on full inspiration is only 1 inch, showing that his lungs have not the normal expansion.

The physical condition of this man, owing to these debilities, render him unfit for manual labor when compared to a normal individual, but would not say totally disabled, but I think he should have a rating equal to three-fourths disability.

H. B. BARTON.

Claimant has a wife, and one child under 16 years of age.

The committee is of the opinion that an increase to the rate of \$17 per month is warranted, and it is so recommended.

H. R. 5736. John Shannon, 911 Riverview Avenue, Kansas City, Kans. (Invalid certificate 1178171.)

Claimant was pensioned by a special act at the rate of \$12 per month from August 19, 1916, said action being based on the following report:

H. R. 10902. John Shannon, 911 Riverview Avenue, Kansas City, Kans., served in the Regular Establishment, Troop B Eighth United States Cavalry, from March 17, 1876, to March 16, 1881, when honorably discharged. (I. O. 1410668.)

The records of the War Department show the following medical treatment:

August 19 to September 10, 1876, inflammation of the internal ear; February 11 and 12, 1879, vaccine fever; July 13 to August 28, 1880, no additional record found.

He filed claims in 1913 and 1915 based upon deafness of left ear, resulting injury in service to that ear. The claims were rejected on the ground of no record or medical evidence showing existence of the alleged deafness in service and also because of no ratable disability from deafness.

Two witnesses testified in 1915 that they have known the soldier since March, 1881, date of discharge, and that he was then quite deaf in one ear and has been so ever since.

Several other witnesses in 1915 testify that they know soldier has been deaf for last 30 years.

Three doctors testify that the drum of left ear is ruptured and deafness has ensued and hearing of right ear is much impaired. One of these states that the present condition could easily result from such an injury as alleged in 1876, and subsequent abscess which soldier describes.

In very technical terms an expert in ear diseases describes the soldier's condition as being in plain simple English a ruptured eardrum with a damaged right eardrum and deafness of left ear with impairing hearing of right ear.

Two boards of surgeons have examined him. The first in 1913 reports slight deafness of left ear, but not sufficient to warrant a rate. The second, in 1915, states that there is nearly total deafness of left ear and slight deafness of right ear, rate \$10.

With the bill petitioner files an affidavit in which he states he is totally deaf in left ear and partly so in right ear, and that the only property he owns consists

of house and furniture worth \$1,800, and his income by work now amounts to \$2.74 a day. The following testimony is filed with the bill:

KANSAS CITY, KANS., *February 23, 1916.*

To whom it may concern:

I have known John Shannon during past 34 years.
He is dependent on his daily wages for support and that of his family.
He has no income from any source.

MICHAEL DOODY.

Subscribed and sworn to before me this 23d day of February, 1916.

My commission expires April 29, 1917.

J. J. McCABE, *Notary Public.*

To whom it may concern:

This is to certify that I am personally acquainted with John Shannon and his affairs.

He has no income from any source. He is entirely dependent for a living and support of his family on daily wages derived from his present employment, which is precarious.

PETER H. KRAMER.

Subscribed and sworn to before me this 23d day of February, 1916.

J. J. McCABE, *Notary Public.*

My commission expires April 29, 1917.

KANSAS CITY, KANS., *February 22, 1916.*

John Shannon, of 1911 Riverview Avenue, Kansas City, Kans., was examined by me to-day regarding his physical condition.

My opinion is that Mr. Shannon is physically unable to earn a living by manual labor.

Respectfully,

GEORGE W. RICHARDS, M. D.

Subscribed and sworn to before me this 22d day of February, 1915.

CHARLES WILSON, *Notary Public.*

My commission expires October 14, 1919.

Upon the foregoing history of this case, the committee believe a pension of \$12 per month is fully warranted, and it is so recommended.

H. R. 10902. The case of John Shannon. This soldier served in the Regular Army for five years from 1876 to 1881. Thirty-two years after his discharge he comes in with a claim for pension, alleging injury and deafness of left ear as due to service. There is, however, no testimony from officer, comrade, or surgeon to show that he contracted the disability alleged in the service, or that he suffered from any such complaint before his discharge. The testimony as to disability after his discharge is vague, indefinite, and uncertain, and does not warrant the belief that soldier's disability is due to the service, or that there was any error in the rejection of his claim at the Pension Office, and this item is therefore stricken from the bill.

From the above it is shown that the item was first stricken from the bill by action in the Senate, but evidently was restored in conference.

Claimant is 69 years of age.

It is shown that he remains totally deaf in his left ear and has become so deaf in his right ear that he can only hear the loudest conversation at a short distance. He is also shown to be suffering with muscular rheumatism, irregular heart action, considerable hardening of the arteries, prostate trouble, and high blood pressure. His physician states his disabilities are steadily growing worse.

It is stated that claimant has been a railroad clerk all his life, and it appears that his financial affairs remain in about the same condition shown when former action was taken.

In the sixty-seventh Congress this committee recommended that claimant's pension be increased to \$12 per month (H. R. 10416). However, owing to lack of time the bill was not taken off the Senate Calendar.

In line with the former action, it is believed that the allowance of increase of pension to the rate of \$17 per month is warranted, and it is so recommended.

H. R. 5889. William S. McGaha, Miami, Okla., served during the war with Spain in Company F, First Regiment Arkansas Infantry, from May 13 to October 25, 1898, when honorably discharged. (Inv. Ctf. 1078311.)

The records of the War Department show treatment in service for malarial fever and articular rheumatism in the line of duty.

Claimant was first pensioned under the general law at the rate of \$17 per month on account of rheumatism and resulting disease of heart contracted in the service. Affection of eyes was not accepted as result of rheumatism.

He is now pensioned under the Spanish War act of June 5, 1920, at the rate of \$30 per month. Said action was based upon the following official medical examination of January 17, 1923:

Pulse rate, 78-84-90; respiration, 30-30-36; lungs, 32-32½-31. There is increased bronchophony over the entire chest anteriorly and posteriorly. In front on left side below the clavicle there is slight rough breathing. There is rough, high-pitched breathing at inner side of left scapula. Heart: Heart impulse is transmitted to the ensiform cartilage. Apex beat, not seen or felt, is located by stethoscope 2 inches below and in nipple line. Both sounds are exaggerated and are heard over the apex beat. First sound only can be heard at the ensiform cartilage. No murmurs. There is slight dyspnoea. No cyanosis or edema. Rheumatism: There are no enlarged joints, no atrophy of muscles, contracted tendons, or limitation of motion. Vision of right eye without glasses, 20/200; of left eye without glasses, 20/200; with his spectacles on can read ordinary print, and at a distance vision of both eyes the same, viz, 20/50. Urine, 1010, acid clear, no sugar, no albumen.

This claimant is poorly nourished and emaciated. There are no evidences of vicious habits.

This claimant is totally disabled for earning a support by manual labor and is rated at \$30 a month.

Claimant is 55 years of age. It is shown by the evidence that he owns no real estate and has a small amount of household goods and a few chickens. It is also shown that he has no income other than his pension.

A physician states that claimant has valvular heart disease and rheumatism and is not able to perform any manual labor that requires much physical effort. Witnesses also state that claimant several times tried to do light work, but was compelled to give it up on account of rheumatism and heart trouble.

It appears that most of this soldier's disabilities are due to his military service during the war with Spain, and he is unable to perform any manual labor that could materially assist him in his support.

An increase of pension to \$40 per month is recommended.

H. R. 5890. I. J. Howard, Carthage, Mo., served in the Regular Establishment, in Battery A, Second Regiment United States Field Artillery, from January 9, 1911, to December 22, 1913, when honorably discharged.

He had a subsequent service during the World War in Ambulance Company No. 18, M. O. T. C. (Medical Department), from March 4, 1918, to April 1, 1919. (Invalid certificate 1177469.)

The records of the War Department show treatment in his first contract of service for malaria, acute dysentery, and a private disease. No record of medical treatment in the last service.

He was granted a pension of \$6 per month under the general law for malarial poisoning upon his application filed November 24, 1914. His name was dropped from the pension roll upon enlistment for service during the World War and subsequently restored (\$6 per month) upon application after his discharge for his last contract of service.

The soldier's claim for increase under the general law was rejected March 14, 1924, on the ground that the evidence failed to show that a pension in excess of \$6 per month was warranted by the degree of disability from pensioned case, malarial poisoning.

This action was based upon the following official medical examination of February 6, 1924:

Lungs: 33, 37, 32. No dullness, râles, or increased bronchophony. No evidence of bronchitis. Heart: Apex beat not seen or felt, is located 1 inch below and 1 inch within nipple line. No murmurs, dyspnoea, cyanosis, or edema. Heart is not dilated or hypertrophied. Malarial poisoning, claimant well nourished, skin and complexion normal. Tongue heavily coated in middle and red on edges, conjunction normal. Liver normal in size, dullness from fifth interspace to free border of the ribs in nipple line. Spleen can not be palpated. Says he has had four chills in past year, the last about one month ago. No evidence of hardening of the liver or spleen. No evidence of present active malaria. Spleen normal on percussion. Stomach: No evidence of any disease of the stomach. He alleges distress and fermentation in the stomach after eating. On palpation and percussion stomach is normal. Rectum normal.

Urine: 1010 acid, clear, no sugar, no albumen. Test: Fehlings and heat and H. N. O.'s

On inspection find a small scar on right side of penis back of corona.

No other evidence of chancre.

No evidence of vicious habits. No other disabilities found.

We find no reason for increasing his present rating of \$6 a month.

Claimant states that he is 32 years of age, in part incapacitated for earning his support by manual labor by reason of chronic malarial poisoning, enlarged liver and spleen, chronic gastritis and catarrhal bronchitis, and a rapid heart.

It is also shown that he owns an equity of \$300 in a \$2,000 house and earns about \$20 per week as a barber when able to work full time.

A physician states that claimant has chronic malarial poisoning causing enlargement of the liver and spleen, chronic catarrhal bronchitis, and a rapid heart, and that he is 50 per cent disabled.

Witnesses state that claimant is 50 per cent disabled and at times confined to his home.

An increase of pension to \$12 per month is recommended.

H. R. 5891. Mary P. McIntire, Ritchey, Mo., was granted an increase of pension from \$20 to \$25 per month by a special act of Congress approved July 11, 1918.

In view of this action the Pension Bureau increased her pension to \$30 per month under the act of May 1, 1920.

The special act was granted upon the following report:

S. 4291. Mary P. McIntire, of Townsend, Mont., is the former widow of William B. Skinner, who served in the Mexican War from June 22, 1846, to June

21, 1847, as a private in Company I, First Illinois Volunteer Infantry, and who died August 22, 1882.

Claimant, who married the soldier October 1, 1849, is now receiving, under the act of September 8, 1916, by certificate No. 3029, a pension at the rate of \$20 per month.

It appears, however, that she is over 90 years of age, and the evidence submitted to the committee shows that she is nearly blind and very lame from a broken hip and in such an enfeebled condition that she is no longer able to care for herself. It is also in evidence that she is destitute of property or other resources and has no other support than her pension. She comes of a very patriotic family, her grandfather having served in the Revolutionary War, her father in the War of 1812, and her husband in the Mexican War. He was rejected for service in the Civil War because of physical disability.

Your committee is of the opinion that this old pensioner should have the same rate of pension now provided for the widows of the soldiers of the Civil War and war with Spain, namely, \$25 per month, and so report the bill favorably with recommendation for increase of her pension to that amount.

A bill has been introduced proposing to increase her pension to \$50 per month.

Claimant was married to the soldier in 1849. He died in 1882 and she remarried in 1883. Her second husband died November 9, 1910.

The applicant is now 96 years of age, and it is shown by the evidence filed in support of the bill that she owns no property and has no income other than her pension of \$30 per month, and no child or relative contributes to her support.

A physician states that claimant is crippled in right hip, having fractured, it and gets around with difficult by using a cane; that she is nearly blind, being barely able to distinguish objects in the room and unable to wait upon herself.

An increase of pension to \$40 per month is recommended.

H. R. 5894. Jane C. Stinnett, 424 South Cox Avenue, Joplin, Mo., is the widow of George I. Stinnett, who served during the Mexican War in Company G, First Regiment Arkansas Volunteers, from June 21, 1846, to June 20, 1847. (Mex. War Wid. Ctf. 9605.)

Claimant is in receipt of a pension of \$30 per month, the maximum rate allowed by existing pension laws to widows of Mexican War soldiers.

Claimant was married to the soldier August 8, 1858; he died February 4, 1895, and she has remained his widow to this date.

She is 92 years of age. It is shown by the evidence that she owns no property and has no income other than her pension. She has a daughter who contributes about \$130 a year to her support when she can leave her to work.

A physician states that claimant requires constant care on account of paralysis agetas and a weak mind; that at times she is unable to feed herself and most of the time must not be left alone on account of injuring herself or others.

An increase of pension to the rate of \$50 per month is recommended.

H. R. 6845. Bartlett Sharp, West Broadway, Wellston, Ohio, served during the war with Spain, in Company G, First Regiment Ohio Infantry, from August 13 to October 25, 1898, when honorably discharged. (Inv. Cert. 1130309.)

Soldier is now pensioned under the general law at \$10 per month on account of varicose veins of right leg the result of typhoid fever.

Claim under the act of June 5, 1920, has been rejected because service was less than 90 days.

The War Department report that soldier enlisted August 13, 1898, and that he was mustered out with a detachment December 31, 1898, to date October 25, 1898, and that he remained sick at Christ's Hospital, Cincinnati, Ohio, since October 25, 1898. No records of that hospital are on file in the War Department.

It appears that the company was mustered out October 25, 1898, at which time soldier was sick in the Cincinnati hospital and the deposition of the secretary of the hospital shows that he was admitted to that hospital September 15, 1898, with typhoid fever and discharged December 26, 1898.

In view of this evidence your committee believes his service was sufficient to warrant allowance by a special act.

Soldier is 47 years of age, and he states he has a small house worth between six and seven hundred dollars with a mortgage on it of \$350 and that his income is from 40 to 50 cents per hour when able to work.

Witnesses corroborate his statement as to his financial condition.

A physician testifies as follows as to his condition:

That he is a practicing physician, and has been acquainted with the above-named soldier for about 11 years, and that I have been his family physician during most of that time; that I have treated him at different periods for his varicose veins.

The measurements of his legs are as follows: At perineal height right leg, 22 inches; left leg, 20½ inches; middle of thigh, right leg, 19½; left leg, 18 inches; knee, right leg, 16 inches; left leg, 14½ inches; calf, right leg, 15½ inches; left leg, 14½ inches above ankle; right leg, 10 inches; left leg, 9 inches.

The long saphenous vein on part inner surface of thigh at junction of middle and upper thirds shows great enlargement. A cluster about 4 inches in diameter with one vein enlarged measuring downward for 9 inches.

Posterior surface of leg upper third shows short saphenous vein marked enlarged with a very noticeable enlargement of right leg.

That after 10 or 12 hours labor at his kind of work, he complains of severe pains in his right leg that keeps him awake, and does not allow him to secure his proper rest. On the account that his family are dependent on his work for support requires him to labor when he is not physically able. In my opinion this disability handicaps him one-third of total capacity for hard manual labor.

W. J. OGIER, M. D.

Claimant does not appear to be greatly disabled. It is recommended that his pension be increased to \$15 per month.

H. R. 7646. Laura Smith, 60 Hudson Street, Glens Falls, N. Y., is the widow of William Smith, who served in Company A, Nineteenth Regiment United States Infantry, from January 10, 1882, to September 1, 1883, when honorably discharged upon certificate of disability on account of dyspepsia, headache, and nostalgia (homesickness), following fever. (Wid. Orig. 1196767.)

The records of the War Department show treatment in service for intermittent fever, diarrhea, and dyspepsia.

Soldier was pensioned for malarial poisoning and was receiving \$14 per month therefor when he died October 6, 1922. Claimant was married to him May 29, 1884, and her claim has been rejected on the ground that the carcinoma, duodenal (cancer of intestines), of which soldier died was not the result of the malarial poisoning for which he was pensioned or shown otherwise due to his service.

Dr. Henry E. Clarke testified that he signed the soldier's death certificate and stated therein that duodenal carcinoma was given as death cause as the best of his judgment at that time, that he had only cared for him a few hours before he died and that he might

have been mistaken and that death might have resulted from causes due to malaria.

Dr. Arthur W. Chapman testified that he attended soldier most of the time during the last seven to nine years, although he did not see him during his last short illness and that in his opinion, it is not only possible but very likely that his trouble during last illness was directly or indirectly due to malaria contracted in the Army.

Claimant is 63 years of age and has no property or income.

Legal widowhood has been established and accrued pension paid.

The committee recommends a pension at the rate of \$12 per month.



