

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

APRIL 26, 1926.—Committed to the Committee of the Whole House and ordered  
to be printed

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

REPORT

[To accompany H. R. 11601]

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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| <p>H. R. 631. Delaney L. Prall.<br/>779. Andrew Long.<br/>945. Jesse A. Baggett.<br/>1729. Charles L. Dewey.<br/>2049. William Whalen.<br/>2696. Pearl Reed.<br/>2779. William H. McGregor.<br/>2781. Frederick Schultz.<br/>4575. Agnes L. MacIntyre.<br/>5527. Hubert O. Swaggerty.<br/>6829. Vercher M. Fahey.<br/>7021. W. A. McDaniel.<br/>7022. George W. Tackett.<br/>7028. Andrew S. Lowrey.<br/>7311. Michael Roberts.<br/>7550. Rufus M. Smith.<br/>7633. Fred White.<br/>7772. Orval E. Jenks.<br/>7801. Lewis M. Kennedy.<br/>7806. John E. Stinson.<br/>7855. Ernest G. Carpenter.<br/>7940. John N. Jennings.<br/>8028. William E. Worden.<br/>8296. William Hargis.<br/>8364. Nancy E. Phillips.<br/>8407. Samuel H. Woollen.<br/>8497. William S. Morrison.<br/>8551. Lawrence B. Feters.<br/>8844. Homer N. Horine.</p> | <p>H. R. 8926. Dora D. Walker.<br/>8938. William D. Rodgers.<br/>9138. Walter Brandon.<br/>9224. David M. Morse.<br/>9263. Christopher H. William-<br/>son.<br/>9386. James L. McChan.<br/>9407. Oskar Hofstrand.<br/>9421. Mary Collins.<br/>9472. Margaret E. Griffith.<br/>9485. Benjamin F. Woodward.<br/>9531. Clara L. Conklin.<br/>9546. Jesse W. Winningham.<br/>9586. Josephine Peck.<br/>9589. Mary A. Hogerty.<br/>9671. Michael H. Daly.<br/>9677. Julia Gunderman.<br/>9683. William B. Roberts.<br/>9712. Charley Shelton.<br/>9741. Nathaniel M. Gregg.<br/>9749. Alex Goins.<br/>9777. Charles Allen.<br/>9810. Minnie A. Meyer.<br/>9814. James L. McElroy.<br/>9816. Mary Evelyn Wise.<br/>9849. Jesse R. Latham.<br/>9906. William J. Phillips.<br/>9920. James M. Bush.<br/>9926. Alfred Blevins.</p> |
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H. R. 9983. James Devlin.	H. R. 10672. Charles Pirce.
10030. Floyd Colwell.	10689. Guy E. Metcalf.
10037. William H. Sticksell.	10724. John Guethlein.
10071. Eugene B. Russell.	10748. Ambrose J. Kuhlman.
10104. James Truka.	10752. Charles J. Fitzgerald.
10134. Laurence Bendixen.	10756. Mary E. Rae.
10183. Jane Herr.	10765. Cass Jackson.
10228. Francis S. Torback.	10812. Albert R. Johnson.
10259. Daisy W. Lyman.	10870. Martha H. French.
10306. Selenia F. Hiatt.	10971. Julia King Gleaves.
10375. Harry G. Ross.	10990. Richard S. Bacon.
10452. William G. Patton.	11034. Richard E. Hibbard.
10514. Elizabeth Bierley.	11036. Harrison Smith.
10520. John F. Elkins.	11045. Grace Price.
10565. Amy Lindsey.	11073. W. T. Jolly.
10643. John T. Burns.	11183. Mary N. M. Moore.
10644. Daniel Shay.	11226. Louis D. Argo.
10645. Josephine Paulsen.	11300. Mary E. Dolan.

H. R. 631. Delaney L. Prall, Seymour, Ind., served during the border defense in Company K, Second Regiment Indiana National Guard, from June 28 to October 31, 1916, when honorably discharged on account of dependent relatives. (I. O. 1430354.)

The records of the War Department show no treatment in service but do show that typhoid prophylaxis was completed in July 19, 1916.

Soldier filed a claim for pension in June, 1918, alleging disease of left arm and breast, result of typhoid fever prophylaxis in service, and for an alleged injury to left hand and index finger of same. The claim was rejected in November, 1922, because he could not show that any injury of arm and breast was incurred in the service and because there was no ratable disability from any injury of left hand.

The soldier claims that he is in part incapacitated for earning his support by reason of infection of the lymphatic gland of the left arm and breast due to faulty typhoid vaccine and by a sting of a Texas scorpion in service.

With his pension case the soldier filed the affidavits of two comrades who served with him, stating that they knew of claimant while in the service being treated for disease of left arm and disease of breast resulting from typhoid prophylaxis and affection of index finger from sting of serpent.

There is no medical evidence showing existence of such disabilities until about one year and seven months after discharge. A doctor stated that claimant consulted him May 3, 1918, for a large lymphatic abscess of upper chest.

Two witnesses state that they knew the soldier prior to enlistment and when he returned home, that he never had any sickness of any kind prior to enlistment but upon his return home he was a changed man in appearance and was then suffering with his arm and unable to follow his dental work as he did.

Claimant is 58 years of age and married.

It is shown by the evidence filed with the bill that the claimant owns 45 acres and 6 lots assessed at \$1,040. Claimant states that his income from all sources for the past year was \$721.

A physician states as follows:

E. D. Wright, 43 years of age; a practicing physician of Seymour, Ind., and a graduate of Organized Medical College, P. M. Col., Ind., who upon his oath says that he has this day examined D. L. Prall, a member of Company K, Second

Indiana Infantry, and finds him suffering from a chronic mixed infection of the glands under his left arm, caused, in my opinion, by a faulty surgical technique by using faulty typhoid vaccine and by being bitten by a scorpion.

D. L. Prall is wholly incapacitated from performing his usual vocation as a dentist.

Official medical examination of September 10, 1919, in part is as follows:

The left breast is more prominent than the right, and is tender on percussion and pressure.

There is a scar where the abscess on the left breast was lanced. He states that it was lanced twice since he returned from Army service. The grasping power of the right hand appears to be twice that of the left hand. The limitation of motion in left shoulder is 90 degrees, left elbow 40 degrees. Incapacitated as a dentist. The heart, lungs, and kidneys are normal. Urine, specific gravity 1018. No sugar—Fehlings test. No albumen test. Heat and N. A. There are no evidences that his disabilities are due to vicious habits.

This claimant is so disabled from the limitations of motion in his left shoulder and elbow as to be incapacitated for performing manual labor, and is entitled to \$30 a month.

In view of the above it is believed that the claimant's disability of left arm and breast is due to his military service and your committee recommends that he be granted a pension of \$20 per month.

H. R. 779. Andrew Long, Gilbert, S. C., served during certain Indian wars in Company D, Eighteenth Regiment United States Infantry, from September 22, 1865, to September 22, 1868, when honorably discharged. (I. W. S. Ctf. 11195.)

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

He is now about 85 years of age and unable to work at all and his wife is bedridden and the only property they have is a small sand-hill farm which the witnesses state does not pay them anything.

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

H. R. 945. Jesse A. Baggett, Village Springs, Ala., served during the War with Spain in Company L, First Regiment Alabama Infantry, from June 23 to August 14, 1898, a period of 53 days, when honorably discharged. (Inv. Orig. 1490308.)

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

June 30, 1898 (diagnosis not stated); July 2 to 21, 1898, tuberculosis of both lungs, in line of duty (diagnosis also shown as intermittent malarial fever and acute diarrhea in line of duty, rheumatism, and dysentery); July 21, 1898, acute bronchitis, in line of duty; July 21 to August 11, 1898, tuberculosis in both lungs, not in line of duty; discharged on account of tuberculosis of both lungs. No additional record of disability found.

He was discharged on certificate of disability in which the surgeon stated his pulmonary tuberculosis was not contracted in line of duty, and that family history proved it to be hereditary in regards to disposition.

No claim for pension was filed until January 4, 1924, over 25 years after discharge.

This claim was rejected March 13, 1924, as to tuberculosis on the ground that the disease existed prior to enlistment as shown by the records, and as to other diseases on the ground of no pensionable disability.

Another claim was filed March 21, 1924, which was rejected in March, 1925, because soldier was unable to furnish competent evidence to show existence of malaria and diarrhea at discharge and continuance since, and this action was affirmed on appeal by the Secretary of the Interior May 14, 1925.

The claim was especially examined and there was some evidence obtained to the effect that soldier was somewhat delicate and did not look strong before the service, and has had malaria and diarrhea ever since discharge.

Claimant is 46 years of age and has a house and lot and an old Ford all of the value of \$500, and no income except what he earns.

A physician testified as follows:

Affiant states that he has known Jesse A. Baggett, formerly Company L, First Alabama Infantry, all of the latter's life; that prior to enlisting in the Army said ex-soldier lived with his father within a fourth of a mile from affiant's home and that for 15 years prior to said time had been the family physician of said ex-soldier's family, and that up to the time of enlisting said ex-soldier was apparently in sound and vigorous health; that shortly after said ex-soldier was discharged from the Army affiant examined and treated him and has been treating him from time to time and at intervals continuously down to the present, and that affiant does not remember the exact date upon which he was first called to treat said ex-soldier after his discharge from the Army but it was within a few days or weeks after his discharge; that at said time he found said ex-soldier to have chronic malaria and that same and its sequelæ has persisted down to the present, that said ex-soldier at present suffers as the result of his said disease and has diseased kidneys and constipation at present.

Affiant further states that said ex-soldier is at present thin in flesh and has the appearance of having a tuberculosis statue but no present indication of tuberculosis. He appears to be delicate and is obviously unable to perform manual labor for a living, that all that he is able to do is some light work from time to time.

Affiant further states that he verily believes that said ex-soldier's disabilities are the result of his services as a soldier. He states that ex-soldier has been disabled to a substantial degree for the performance of manual labor ever since his discharge from the Army.

A board of surgeons May 31, 1924, recommended a rating of \$8 per month for malaria and \$8 for diarrhoea and found no disease of lungs.

A claim under the Spanish War pension act of June 5, 1920, has been rejected because of insufficient service.

The Member who introduced the bill made the following statement:

In re H. R. 945, granting pension to Jesse A. Baggett: Mr. Baggett served in Company L, First Alabama Infantry, Spanish War. I was a private in Company K of said regiment, and while I was not personally acquainted with him during his service, I know the conditions which existed.

Our regiment was transferred to camp at Miami, Fla., about June 25, 1898, and remained there until about August 15 following. Conditions at camp were very bad. It was the rainy season, with rains every day and sometimes two or three times a day. The air was loaded with mosquitoes even at midday, and every soldier was bitten by them dozens of times each day. Even in daylight, while in the tents, we had to light smokes to fight them. Nearly every soldier contracted malaria in some form. At one time in July, 1898, over 25 per cent of our regiment was on the sick list at Miami. Mr. Baggett served under these conditions, and there can be no doubt that he contracted malaria.

Mr. Baggett's medical record shows that he had malaria while in the service. The diagnosis was changed to tuberculosis at the time he was discharged, but there was no examination by a board of surgeons, nor indeed any adequate examination of any kind. He has been an invalid ever since his discharge, but no competent doctor has ever found him to have tuberculosis. The germ has never been found in his sputum. It is pretty clear that he not only did not have tuberculosis while in the service, but has never had it since. His symptoms have continued to the present to be those of malaria.

At the time of his discharge the regimental surgeon certified that Mr. Baggett had tuberculosis in both lungs and that it was "not in line of duty." He had previously diagnosed the ailment as malaria "in line of duty."

Although an invalid ever since his discharge, Mr. Baggett did not file a claim for pension for about 25 years thereafter. It is clear that the Pension Office based its rejection of his claim on the certificate of the regimental surgeon that his ailment was tuberculosis "not in line of duty." Mr. Baggett is a man of no means, and is unable to do any work of any consequence. His claim ought to have been allowed by the Pension Office.

In view of all the facts, it is believed that the claimant has malaria due to his military service, and it is recommended that he be granted a pension of \$12 per month.

H. R. 1729. Charles L. Dewey, Mount Vernon, Ill. In the last Congress an increase of the soldier's pension to \$17 per month was recommended upon the following report:

H. R. 10354. Charles L. Dewey, Mount Vernon, Jefferson County, Ill., served during the war with Spain in Company F, Fourth Regiment Illinois Infantry, from June 20, 1898, to September 5, 1898, when honorably discharged. (Inv. Ctf. 1146556.)

The records of the War Department show treatment in the service as follows: August 4 to September 9, 1898, epileptoid seizures, not in line of duty.

Claimant is pensioned under the general law at the rate of \$10 per month on account of gastric catarrh, the claim being established in the Bureau of Pensions.

The claim on account of rheumatism was rejected on the ground of no record, no evidence showing medical treatment for said disability while in the service or soon after discharge, and the best obtainable evidence fails to establish origin of said disability in service or to show its existence at date of discharge.

While from the above it appears that the evidence was not regarded as sufficient to establish the claim for rheumatism in the Bureau of Pensions, it may be stated that some five or six comrades testified fairly convincingly before a special examiner to the existence of rheumatism in service, and about the like amount of testimony from lay witnesses was secured tending to show that claimant has suffered from that ailment and from some heart trouble from about the time of his discharge, and Dr. J. W. Hamilton testified before the special examiner in 1910 that claimant consulted him regarding indigestion and stomach trouble right away after his discharge, and also states that claimant suffered from rheumatism, and that he had it from the first he knew of him after discharge.

The evidence as to continuance of rheumatism and some heart trouble after discharge is fairly convincing and some extended and severe attacks of rheumatism and heart disease are indicated. Rheumatism and heart disease are rated 8/18 and 10/18, respectively, in examination, dated August 11, 1909, while the same disabilities are described as rated jointly at 14/18 in examination dated April 8, 1908.

Rheumatism and heart disease are also described in examination dated April 6, 1921, but no rate was named, as the examination was ordered to determine degree of disability from gastric catarrh, the disability for which pensioned.

Claimant is 46 years of age. He alleges a partial inability to perform manual labor on account of stomach trouble and rheumatism; that he owns no property; and that he has no income except his pension and what he can earn.

His allegations are corroborated by the testimony of neighbors and a physician filed in support of the bill.

A careful consideration of all the evidence leads to the belief that it is reasonably well shown that claimant's rheumatism and heart trouble are also results of his service.

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

The item, however, was stricken out in the Senate.

Thereafter the affidavits of six persons tending to show existence of rheumatism in service were filed and the claim for that disability was reopened and the witnesses cross-examined by a special examiner, but the claim was again rejected February 26, 1926.

On the special examination these witnesses all sustained their affidavits and testified that claimant had or complained of rheumatism and was lame while in the service, and several of them stated that one of his knees was swollen.

Soldier is 50 years of age and he has an equity of about \$3,000 in some property and he has no income except his pension and what he can earn. He is married.

A physician testifies as follows:

At first treatment five years ago soldier had a myocarditis with tachycardia, a chronic gastritis with bloating, belching, sick headaches, and prominent ulcer-symptoms. He also had a chronic arthritis of left knee and a chronic anso-pharyngeal catarrh. During this period of five years soldier has been treated at least weekly and sometimes oftener. At no time has he been able to do hard manual labor, because of his cardiac and arthritic condition. His stomach condition has frequently added to the cardiac embarrassment. Would consider degree to which soldier has been unable to perform manual labor for the past five years to be three-fourths.

It is again recommended that soldier's pension be increased to \$17 per month.

H. R. 2049. William Whalen, 1141 East Second Street Brooklyn, N. Y., served during certain Indian wars in Company C, Seventeenth Regiment United States Infantry, from July 26, 1870, to July 26, 1875, when honorably discharged. (I. W. S. Orig. 19779.)

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

However, in a report furnished the committee March 4, 1926, the Adjutant General, United States Army, states as follows with reference to the soldier:

In the West this soldier was stationed at Cheyenne Agency from August 11, 1870, to June 25, 1872; was thence to July 26, 1872, en route to and at Fort Rice, Dak.; thence to October 6, 1872, with the Yellowstone Expedition into Montana; thence to October 6, 1873, at Fort Rice, and thence to date of his discharge en route to and at Fort Wadsworth.

Nothing has been found to show that this soldier served in any of the Indian campaigns named in the pension act of March 4, 1917. However, while with the Yellowstone expedition in 1872 he was for a time in the zone of active Indian hostilities, the precise period not ascertainable.

Claimant is 74 years of age and has no property and earns about \$20 per week when able to work which is not often.

Medical testimony shows he has cataract on right eye and defective vision of left eye and also has arthritis and has been unable to work the past five years.

In view of the statement of The Adjutant General, United States Army, it is believed claimant may be regarded as an Indian war soldier and therefore it is recommended that he be granted a pension of \$20 per month.

H. R. 2696. Pearl Reed, Athens, Ohio, served during time of peace in the United States Navy, from May 12, 1908 to March 19, 1909, when honorably discharged upon report of medical survey. (Inv. Orig. 1457245.)

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

U. S. S. *Franklin*, July 24, 1908. Admitted. Rheumatism chronic articular. Origin, not duty. Existed prior to enlistment. July 24, 1908, transferred to—

Naval Hospital, Norfolk, Va. Admitted same date with same disease and origin. August 24, 1908, transferred to--

Naval Medical School Hospital, Washington, D. C., August 26, 1908. Admitted same disease and origin. Existed prior to enlistment. October 5, 1908, discharged to duty, and admitted with hypertrophic arthritis. Origin not in line of duty, existed prior to enlistment.

Medical survey of March 12, 1909, states: "In obedience to your order of March 12, 1909, we have held a careful survey on Reed, Pearl, ordinary seaman, United States Navy, and beg leave to report as follows: Present condition, unfit for service; disease or injury, disease of spine; probable future duration, uncertain; recommendation, that he be discharged from the United States naval service; origin, not in the line of duty. For three years before enlistment and since entry into service patient has had 'rheumatoid symptoms.' Patient has been disabled practically during entire service since May, 1908. He shows a strong disposition to disregard advice and neglect treatment. He is considered undesirable and his discharge is recommended. March 19, 1909, discharged on approved medical survey."

Scars and marks, etc., noted at enlistment: Scar, sacral reg.; front right thigh; inner right shin; tattoo sailor's head rfa.; eagle, shield 1 fa.; clasped hands r. hand; scar each great toe.

Sailor filed a claim for pension October 21, 1921, over 12 years after his discharge alleging that he contracted disease of spine and articular rheumatism in September, 1908, and the claim was rejected in January, 1922, because the records of the Navy Department showed said disabilities existed prior to enlistment.

The claimant states that prior to enlistment he was physically fit in every way and was not affected by an attack of typhoid fever which he had several years prior to enlistment; that he positively did not have rheumatism prior to enlistment and does not remember of saying to anybody that he had such pains prior to enlistment, and if he did make such a statement it was when in a delirious condition.

Dr. G. W. Darling in his affidavit executed January 30, 1924, made the following statement:

I have known the claimant, Pearl Reed, for a period of 30 years last past, and that I am in no wise related to him or pecuniarily interest in his claim for pension or increase of pension.

Deponent further says that he has been a practicing physician for more than 50 years last past, is 77 years of age, and has been the family physician of the Reed family for more than 30 years last past; that about the year 1901 or 1902, the claimant had the early symptoms of typhoid fever and deponent was called upon to treat him for the same; that the case was not a serious one and terminated without complications and the convalescence was short, claimant soon being able to resume his duties; deponent further says that he was in close touch with claimant from the time he had the so-called typhoid fever and his enlistment in the Navy and that he did not know of the claimant being affected with any bad results from his attack of fever and he did not know of claimant having rheumatism in any form, and that prior to his enlistment in the Navy he only knew him as an able-bodied man physically fit in every respect; deponent says he was the family physician of the Reed family during that period and often seen the claimant and if he had been affected in any manner he would be in a position to know of such; that up to the time claimant enlisted in the Navy in the year, 1908, he was physically fit in every respect to the best of his knowledge and belief.

Deponent further says that to his own knowledge said claimant is a man of good character, excellent reputation and whose honesty and good citizenship is unquestioned; and that from any and every point of view said claimant is in dire need of and entitled to receive the pension applied for.

The sailor's mother stated as follows in her affidavit of December 12, 1925:

The undersigned, being first duly cautioned and sworn, deposes and says that she is the mother of Pearl Reed, Athens, Ohio, who enlisted in the United States Navy on the 12th day of May, 1908. That the said Pearl Reed made his home

with the undersigned in the city of Wellston, Ohio, prior to the time of said enlistment. That the said Pearl Reed enjoyed excellent health during the time he lived with the undersigned and that the said Pearl Reed prior to the time of the said enlistment was not suffering from any injury, sickness, or disease.

That the said Pearl Reed prior to the 12th day of May, 1908, did not suffer from any infection, disease, or injury to his feet and limbs and that to the best of affiant's knowledge and belief the said Pearl Reed had perfect feet and limbs at that time.

Dr. C. D. Hoy states that he has had occasion to observe the claimant for many years before enlistment in the United States Navy and that it is his professional opinion that the claimant was in good physical condition at the time of his enlistment and that his present pitiable plight is due to his service in the Navy.

Several other witnesses have stated under oath that claimant was physically sound prior to enlistment and has been incapacitated ever since.

Claimant believes that his condition was caused by ingrown toenails, due to drilling, and states that while in the service he was operated upon for such and to relieve the condition of his back. However, there is no record of such an operation.

James F. Tormine stated under oath as follows relative to prior soundness of the claimant:

The undersigned, being first duly cautioned and sworn, deposes and says that he is local agent for the Baltimore & Ohio Railroad Co. in the city of Wellston, Ohio. That he was employed by the Cincinnati, Hamilton & Dayton Railway Co. during the years 1906, 1907, and 1908, and that said company is now a part of the Baltimore & Ohio Railroad system. That Pearl Reed was employed by said company during the above-named years and that the said Pearl Reed apparently was in good physical condition at the time he left the employment of said company in 1908 to enlist in the United States Navy. That the undersigned saw the Pearl Reed daily at his work and that the said Pearl Reed evidenced no ailment or injury to his person in any way. That he performed work and labor in the mechanical department of said company. That the undersigned gave the said Pearl Reed his pay checks and was in close communication with him at all times during his employment.

Numerous persons stated under oath that they worked with the claimant for several years prior to and up until the time he enlisted and that claimant's physical condition was good at the time of his enlistment and when he returned home he was badly crippled and has been ever since.

Prominent men of Athens, Ohio, stated that claimant is an honest straightforward citizen, that he is compelled to walk on crutches and that it is their belief that his disability is of service origin.

Claimant is 40 years of age. In the year 1921, he stated that he was married and had a child born December 7, 1913.

It is shown by the evidence filed that he owns no property and has no income. Witnesses also state that claimant is in dire need.

A physician states that when he first knew claimant 15 years ago he was suffering with arthritis of spine, hips, knees, feet, and ankles; that his condition has grown progressively worse and at present is totally disabled, and there is complete ankylosis of both hips, both knees, both feet and ankles.

Claimant alleged that he contracted the disease September, 1908, the records show that he was in the hospital under treatment as early as July 24, 1908, a little over two months after enlistment.

In view of the fact that the claimant was accepted into the service as physically fit, that he was not treated for any disability for over

two months after enlistment, that he was discharged and returned home in a very poor physical condition and of the evidence above cited, your committee believes that claimant's present physical condition should be held due to his military service.

A pension of \$30 per month is recommended.

H. R. 2779. William H. McGregor, room 426, Y. M. C. A. Building, Johnstown, Pa., was appointed midshipman, United States Naval Academy, United States Navy, June 15, 1922, received injuries the result of hazing, and resigned September 15, 1923. (Inv. Ctf. 1265312.)

The following is quoted from the report of medical survey made by the permanent medical examining board at the United States Naval Academy on January 10, 1923:

Strain of muscle, left thigh, adductor group. Origin in line of duty. Disability is not the result of his own misconduct. Facts are as follows: Result of hazing as substantiated by the findings of a court-martial. Has been under treatment at the Naval Hospital for over two months and, although he is now apparently fit for duty, sick leave is recommended on account of his prolonged absence from academic work.

Soldier was granted a pension of \$17 per month under the general law in 1925 upon his application filed June 5, 1924. The pension was allowed for injury of left hip and back the result of hazing and held to have been incurred in the line of duty it being no fault of the claimant. So much of his claim based on affection of stomach and bowels was not accepted as result of injuries.

The claimant's statement relative to his stomach trouble and his injuries is as follows:

From the request of me, it is evident that there was not filed with my health record any record of injury to my stomach, or region of my stomach, and the affection of my back. I recall and state in this affidavit that I was treated for such injuries, being given medicine inwardly (at least I was told that it was for the passing of blood and evident injuries from which I was suffering in my stomach), and massaged several times daily and given electrical treatment for some time for the affection of my back, the same swelling and blueness being there as there is now, and the examining board found.

While being examined by the Government board here, there was particular attention paid to the condition of my back and stomach, as it was called then—"a slip of special instructions to examine my back and stomach accompanied the usual routine instructions." These instructions were read aloud, and, of course, being present I heard them read.

Affidavits from other witnesses would be impossible to get. I know of no one who was present in the room the night of the hazing escapade. I was unconscious for several hours afterwards, and when I did "come to" my sense of memory had left me, and until morning I did not realize what had happened to me. The only information I had was that given by myself as a witness at the court-martial of Midshipman Bruce Robinson. I was taken from my bed at that time to testify, sitting on the edge of a desk during the court (as it was impossible for me to sit down). I testified to the best of my knowledge, as the records will show. I was unable to name any witnesses in the room or in any part of the incident. I knew Midshipman Robinson, because he was senior midshipman at my mess table, and he ordered me to report to his room. He was not present, so he said at the court-martial, when I was hurt.

The room being a four-man room, it was divided into three parts by partition. From the testimony he was in another part of the room when I was injured.

Affidavits from attendants, stewards, or anyone else who attended me would be very much tradition and custom of the service. As I understood it, by explicit statements of those in charge, my case was being recorded properly. It appears now that it was not. My case was marked "skylarking" when I was first hurt; later it was supposed to be changed, but was not, as I see by Admiral Wilson's letter (also in your files) of June 25, 1924, to the Hon. Nathan L. Strong,

M. C., that the record is still incomplete. Also in one place the letter states "skylarking," and in another place "line of duty." There is also a reference to my reason of resignation as being dissatisfied with the service. One could not help be when his seniors try to convince him he has insomnia and similar things because he can't sleep from the pain and struggle to get along after I was returned to duty.

The question might be asked, "Why didn't he complain?" At this point an explanation is needed to help both sides. As the naval service does not tolerate "squealers" and "yellow streaks," may I recall the case of my classmate, Midshipman Bonifant, who was "run out" by his own classmates for showing such an attitude as I have just spoken of? I did not turn against my school and my class and do the thing which no officer or "he man" admires in a young man. The Bonifant case explains it when his own classmates did everything but put him out the gate.

I did my duty in every respect throughout the ordeal and flinched from nothing. I took the jeers of nearly the whole regiment of midshipmen for months until it was understood by a few who helped me back into the good will of the regiment.

Without conceit, I lay my name to the claim of stopping brutality and hazing in the cannibal form as it was practiced at the academy. Since I have been in civilian life I have had several midshipmen tell me that was the greatest example toward the stopping of hazing that was ever made. Running plebes is the making of them; but not hazing.

There would have been no advantage in making a "show" or constantly complaining about myself. The public clamors for such news, and the news they got was quite enough without any criminal tricks tied up with what they got. Annapolis should have the cream from Uncle Sam's young blood, and not the rowdies that such exposure would have led people to think we were. What mother and father wants to send their boys to a school with the name of "rowdy" attached to it? Annapolis represents American people abroad, and our school is certainly the basis of our officers and to better my cause it would have been unfair to allow such charge to reach the public and have such a class of young blood judged by a few?

I have been to a doctor for my ailments and will secure a statement from him. Have not gone into particulars with him regarding my case. I merely asked for medicine to stop the loose condition of my bowels. I have found it poor business to divulge any secrets of my experience to a midshipman. There is always a little underthought when a fellow is mentioned in connection with such a thing. They usually half kill negroes, or something on that order, but there has never been such a case before. I was just a victim of circumstances, very unfortunate, but yet my condition still remains as a victim of my seniors and the object of hazing.

I was not under the care of a doctor last winter. I was informed by doctors of the Navy that everything that could be done had been done, and for that reason all I could do was to rest and get over these spells as best as I could. I did not have money to go to a doctor, the once I did go didn't help me so very much because I was walking quite a bit, having temporary work soliciting Christmas savings accounts for a local bank at Christmas time last year to get a little money for the holidays.

If that doctor can recall my case his affidavit will be filed as soon as possible.

Official medical examination of September 3, 1924, disclosed considerable stomach and bowel trouble and official medical examination of May 6, 1925, is as follows:

Claimant is a very well nourished, well-appearing young man, with clear eyes, clear skin, but a very coated tongue.

His stomach and bowels are evidently not functioning properly, judging from his —— and besides he alleges alternating attacks of constipation and diarrhoea. Heart, liver, spleen, and kidneys are apparently normal; also lungs and rectum. He can sublunate his left hip, easily producing almost complete luxation. This occurs when he lifts anything at work. He can stoop, but can not rise easily and in doing so has a great deal of pain. He walks with a decided limp, but uses no cane. His left leg is about one-third inch shorter than right and all measurements show left leg about 1 inch less in circumference than right. The ligaments about left hip are loose and muscles somewhat flabby.

There is no discoloration or swelling of tissues of back.

He complains of a great deal of pain in back and left hip, but all seems to indicate from left hip joint. There is also some tenderness over left lumbar muscles; either neuritis or lumbago.

No evidence of vicious habits.

Rating three-fourths for injured hip.

Claimant is 22 years of age.

It is shown by the evidence filed with the bill that he has a one-ninth interest in property in Pennsylvania, the property being valued at \$10,000, and that he has no income.

A physician states as follows:

That he is a practicing physician and has been acquainted with the above-named claimant for about one-half year.

The applicant called at my office for treatment on December 19, 1925, and on examination I found that he had a dislocated hip joint, left, which would dislocate on the slightest provocation and which handicaps him very much in doing manual labor.

I also found him with an acute attack of diarrhoea, which came on after the dislocation of the hip. He was also suffering great pain in the region of the acetabulum and head of the femur, with marked tenderness, which was probably due to an inflammatory process, arthritis. The arthritis seemed to get worse with the change in the weather; a damp, rainy day made it very much worse. I also noticed that this diarrhoea grew much worse as the arthritis subsided. There seemed to be a definite relation between the arthritis and the diarrhoea.

I consider that the applicant has at least an 85 per cent disability.

As to treatment, there is none except an operation on the hip joint, tightening the capsule of the joint, and this operation carries with it at least a record of 50 per cent failures. For the pain caused by the arthritis codeine or morphine could be given, but they relieve only temporarily, and there is a great danger of his becoming an addict.

He has to do manual labor to earn a living, which exaggerates his symptoms and absolute rest would accomplish a great deal of good.

The claimant is not shown to have had stomach and bowel trouble prior to his appointment, if he had he would not have received an appointment as a midshipman, and in view of the claimant's injuries received in the service and the existence of stomach and bowel trouble a year after discharge and the recommendation of the examining board that the claimant is three-fourths incapacitated by reason of injured hip, your committee recommends that his pension be increased to \$40 per month.

The committee two years from now will consider another bill for increase provided claimant's physical condition does not improve.

H. R. 2781. Frederick Schultz, United States Soldiers' Home, Washington, D. C., served during certain Indian wars in Troop H, First Regiment United States Cavalry, from September 19, 1873, to September 19, 1878, when honorably discharged. (Inv. Ctf. 865694) (I. W. S. Ctf. 12644.)

Soldier is now pensioned at the rate of \$20 per month under the Indian war pension act of March 4, 1917, this allowance having been recently made.

He was formerly pensioned at the rate of \$17 per month on account of disease of rectum, and varicose veins of left leg and increase was rejected in August, 1924, a medical examination being denied, the Pension Bureau having declined in January, 1924, to accept the loss of left leg from dry gangrene as a result of the varicose veins. The action declining to do so was affirmed on appeal July 11, 1924, the Secretary of the Interior concluding his decision as follows:

It seems manifest from the evidence on file that the loss of left leg from dry gangrene beginning in the foot was not due to varicose veins of the leg, nor to any

other condition originating in the service; but was due to degenerative changes in the walls of the arteries, arteriosclerosis, which is a natural accompaniment of advanced age and was present in the case of this claimant. At the last official examination in 1913, when the claimant was 63 years of age, the board reported, "Considerable hardening of the arteries."

In an affidavit filed in March, 1922, Dr. R. W. Smith testified that soldier's leg was amputated because of dry gangrene from poor circulation and extensive varicose veins.

In March, 1922, Dr. H. R. Keylor testified that he was called in consultation about February 8, 1922, and advised and assisted in the amputation and that the disease that caused the amputation was gangrene; that to his knowledge soldier had varicose veins for a number of years.

In an affidavit filed later the doctor testified as follows:

*To whom it may concern:*

This is to certify that I have known Frederick Schultz, Company H, First Regiment, United States Cavalry, for 40 years. Frederick Schultz is now drawing a pension under claim No. 865694. Ever since Frederick Schultz left the service he has been troubled with chronic rheumatism and varicose veins of both legs. I am satisfied the loss of his leg was due to arterial conditions incident to the above diseases. The imminent cause for his amputation was gangrene commencing in the portion of his foot supplied by the posterior artery.

In résumé, the loss of his leg was incident to diseases contracted during his service in the United States Army.

H. R. KEYLOR, M. D.

In May, 1924, Dr. E. S. Shaw testified as follows:

That he is a practicing physician, and has been acquainted with the above-named soldier for about 33 years, and that at that time he had a bad varicose ulcer on left leg.

This was making trouble by rupture of vessels about it and he was advised to wear constantly a rubber stocking which helped, but it grew worse rather constantly and a leg ulcer formed and gangrene occurred; leg had to be amputated.

The soldier is 75 years of age, married, and he states he owns a house, 714 North Ford Street, Walla Walla, Wash., worth from \$3,000 to \$5,000, and that his income is his pension, although his witnesses place the value of his property at \$1,020, which is what it is assessed at for taxation.

Dr. R. W. Smith again testifies and states as follows:

That he is a practicing physician, and has been acquainted with the above-named soldier for about four years, and that he was first called to treat him January 1, 1922. At that time he was suffering from high blood pressure and beginning gangrene (dry) of the great toe and left foot. The condition grew progressively worse until he was taken to hospital and the left leg amputated at the knee for dry gangrene February 8, 1922. He had a long and tedious convalescence due to slough of skin of stump. He has been unable to my knowledge to do manual labor since January 1, 1922.

The amputation of the soldier's left leg does not appear to have been due to his service, as held both by the medical officers of the Pension Bureau and the Secretary of the Interior.

However, he is an Indian war survivor and now pensioned as such and is over 75 years of age, and an increase of his pension to \$30 per month is recommended.

H. R. 4575. Agnes L. MacIntyre, 317 West Forty-fifth Street, New York, N. Y., served during the war with Spain, from August 13 to September 30, 1898, as a contract nurse in the Medical Department of the United States Army.

She has no title to pension under the Spanish War pension act of June 5, 1920, as amended by the act of September 1, 1922, for the reason that she did not serve 90 days. She served 45 days as shown by the records, when her contract was annulled upon her own request. It is shown that she was paid at the rate of \$30 per month for her services. No record that the claimant ever received medical treatment while in the service.

Her bill last Congress was rejected by the committee on the ground that her service during the war with Spain was too short to warrant favorable action.

The Member who introduced the bill has filed with the committee a list of names of nurses who served during the war with Spain, and who were pensioned by special acts of Congress. All of said nurses served over 90 days except three. They are as follows: Caroline M. Anthony, pensioned at the rate of \$30 per month, served in yellow fever camp from July 16 to September 25, 1898; Elizabeth Hogan, served from October 6 to December 31, 1898; and Nancy G. West, from July 21 to August 31, 1898 (aged 76 years when pension was allowed).

Claimant is 55 years of age and claims that she is partly incapacitated for earning her support by manual labor by reason of varicose veins contracted during her service.

There is no record of treatment in the service.

Two witnesses state in a general way that the claimant was in good health up to the time she served as a nurse in the Spanish War and upon her return she complained of varicose veins in both of her legs and since the year 1912 she has only been able to perform very light work on account of the same.

A physician states as follows:

I have known Mrs. Agnes L. MacIntyre, a trained and registered nurse, for over 28 years, having been intimately associated with her in the New York Hospital and in private work. She has consulted me on different occasions professionally during this time. Her general physical condition was exceptionally good up until eight years ago, although she suffered from present complaint (varicose veins of legs) for some time previous to this time. Because of the pain and disability resulting from above condition (varicose veins) she has been unable to do regular nursing since 1916, confining her work to hourly nursing, etc. These veins were not troubling her at all at time of her enlistment, and her general physical condition was perfect then. She is now only able to do about one-fourth of her normal work.

I have made a thorough physical examination of her to-day, and find no internal cause for such condition and she has never been pregnant. She has worn elastic-support stockings for 14 years, but they fail to give relief now.

It is shown by the evidence filed that the claimant owns no property and that her annual income is about \$350.

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

H. R. 5527. Hubert O. Swaggerty, 510 West Clinch Avenue, Knoxville, Tenn., is the helpless and dependent child of Cullom Swaggerty, who served during the war with Spain in Company F, Third Regiment Tennessee Infantry, from June 27, 1898 to January 31, 1899, and in Company F, Nineteenth Regiment United States Infantry, from April 6, 1899, to April 5, 1902, when honorably discharged. (W. C. 970368.)

Soldier was married to the mother of this claimant in 1905, and she procured a divorce from him June 30, 1921. He then married again and left a widow who has recently been granted a pension under

the act of September 1, 1922, of \$20 per month with \$4 per month additional for a child under 16 years of age.

The widow does not have the care and custody of the claimant as he lives with and is being supported by his mother and an aunt. The mother rents rooms and the aunt is a stenographer and it appears that they have no income except that derived from their own efforts. The helpless boy is 19 years of age, and has no property or income of his own, and he has been helpless from the results of infantile paralysis ever since he was about a year old.

He is competent to take care of money but physically helpless, and from pictures filed it appears that he has to be taken about in a wheelchair.

The committee recommends that he be granted a pension of \$20 per month separate and apart from that of the widow.

H. R. 6829. Vercher M. Fahey, National Sanitorium, Tenn., served in the regular establishment in the United States Navy from October 16, 1907, to February 7, 1908, when honorably discharged by reason of inaptitude. (Inv. Orig. 1417145.)

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

The sailor filed a claim for pension November 20, 1914, alleging tuberculosis contracted in the service which claim was rejected September 18, 1915, because of no record in the Navy Department and he could not furnish satisfactory evidence to show origin in the service or existence at or for some time after discharge.

No evidence was filed to show origin in the service, but several witnesses testified that sailor was in bad health after discharge and seemed to have a cough. Dr. Walter F. Wilson testified that he came to him December 1, 1908, suffering with a cough and temperature and a microscopic examination of sputum showed numerous tubercular bacilli and that he was under his treatment until September, 1909, for tuberculosis.

Another physician testified in 1915 that he first saw him in a medical way November 9, 1911, and found him suffering with pulmonary tuberculosis and that he had been totally disabled since then.

Evidence also shows treatment in a sanitorium in 1912 and 1913 for tuberculosis.

Medical examination made June 2, 1915, rated 17/18 for disease of lungs.

Claimant is 39 years of age and has no property or income.

Evidence filed in support of the bill shows that sailor has been in poor health since his discharge and Doctor Wilson again testifies as to his treatment in 1908, 1909, and 1910; treated him for typhoid fever in 1908 and 1909; found tuberculosis.

While there is no evidence to show origin of any lung trouble in service, it appears that Doctor Wilson examined him in December, 1908, or early in 1909 and found that he had tuberculosis, and his disease may therefore have had its inception in the service.

Sailor is now an inmate of and being cared for in a national sanitorium and it does not appear that he has a family.

The physician at the sanitorium testifies that sailor has been there since June, 1925, and that he has active pulmonary tuberculosis far advanced.

The committee recommends that he be granted a pension of \$12 per month.

H. R. 7021. W. A. McDaniel, 409 North Hampton Street, Fort Worth, Tex.

The claimant has alleged service in Captain Sparks' Company C, Texas Frontier Battalion in 1876 and 1877. (I. W. S. Orig: 18581.)

His claim was finally rejected June 8, 1923, because the official records of the United States and of the State of Texas failed to show that claimant performed any active service in defense of the frontier of the State against Indian depredations.

Two witnesses testified that claimant served in Captain Sparks' Company from January 1, 1877 to July 12, 1877, in defense of the frontier against Indians.

A report made by the Comptroller General states that the records show that claimant was mustered into the State service March 1, 1877, and served to May 31, 1877, when discharged and that he was paid for such service by the State but that Texas was not reimbursed by the United States for same and that the following remarks appeared on the abstract of disbursements of said date: "Disallowed pay after November 30, 1876. No evidence of necessity solely for frontier defense."

The adjutant general of the State of Texas in a report furnished the committee under date of March 9, 1926, states as follows:

Answering your letter of February 18, 1926, with reference to W. A. McDaniel, beg to advise that the records of this office show that W. A. McDaniel enlisted in Company C, Frontier Battalion, June 1, 1877, and was discharged July 5, 1877 (Capt. J. C. Sparks, commanding the company).

The monthly returns for the company for March, April, and May, 1877, show little scouting activity recorded: Desultory scouts now and then which were performed as results of reports having been received that Indians were in the country. Considerable service was rendered in aid of civil authorities, making arrests, rounding up cattle thieves, guarding jails, escorting prisoners, keeping peace and order during sessions of court, etc.

Claimant is 69 years of age and has no property of value and no income except what he can earn, and a physician testifies that he has eczema of ankle which led to ulceration and also has varicose veins and that he is incapacitated for labor from a fourth to a half of the time.

A pension of \$20 per month is recommended.

H. R. 7022. George W. Tackett, Springton, Tex.

The claimant first applied for pension under the act of June 27, 1902, and his claim was rejected in October, 1908, on the ground that the State had not been reimbursed for any service as alleged in Captain Thompson's company in 1860. (I. W. S. Orig. 8977.)

He has filed several applications under the Indian war pension act of March 4, 1917, and has alleged therein service under Capt. Henry Thompson and also under Captain Cureton in 1860 and 1861, all of which have been rejected because neither the official records of the United States or of the State of Texas afforded any evidence of alleged service, there being no muster rolls of the company on file and the testimony filed could not be accepted to show service.

Claimant is 82 years of age and owns 267 acres of land and some personal property, all worth something over \$2,000, and his income is about \$200 per year, and he is ruptured and has heart disease, prostatic and other troubles and is unable to labor.

This claimant and two witnesses all testify that they served in Captain Thompson's company against Indians for several months in 1860 and 1861, but they admit that they were not paid for their services at the time or thereafter until in 1923 when the legislature of the State passed an act to pay them each the sum of \$100.

There is neither record or documentary evidence of any kind to show service of claimant or the company in which he and his witnesses state they served. The adjutant general of the State advises the committee that his department is unable to find any record of Captain Thompson's service.

A pension of \$20 per month is recommended.

H. R. 7028. Andrew S. Lowrey, Columbus, Tex., served during certain Indian wars in Captain McNelly's company Texas Frontier Forces, from June 22 to December 21, 1875, when honorably discharged. (I. W. S. O. 13489).

The soldier's claim under the Indian War pension act of March 4, 1917, was rejected November 19, 1918, because it was not shown that he served in defense of the frontier of Texas against Indian depredations.

The report of the adjutant general of the State of Texas and also of the auditor for the War Department show that soldier served from June 22 to December 21, 1875, and that the State has been reimbursed for amount paid him for said service.

He is 77 years of age and owns property worth about \$2,000, and his income is insufficient for his support and medical evidence shows that he is unfit for manual labor by reason of an injury to ankle.

It is shown that the service of McNelly's company was rendered against Mexican marauders and not in defense of the frontier of the State against Indian depredations.

While this service is not provided for by the act of March 4, 1917, yet the act of May 30, 1908, does provide for service of that kind between 1855 and 1860, but not for later service.

The committee recommends that soldier be granted a pension of \$20 per month.

H. R. 7311. Michael Roberts, National Soldiers' Home, Maine, served during certain Indian wars in Troop F, Fourth Regiment United States Cavalry, from February 20, 1873, to February 20, 1878, when honorably discharged. (I. W. S. Ctf. 10897.)

Soldier's claim under the general law was rejected many years ago because he could not connect disability with his military service.

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

He is 73 years of age and has no property or income except his pension and he has varicose veins and eczema of feet and legs and has had to give up work.

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

H. R. 7550. Rufus M. Smith, 2781 De Pew Street, Edgewater, Colo.

This claimant was never in the military service of the United States and his claim under the general law was rejected for that reason. (Inv. Orig. 1520304).

He states that about April, 1916, he enlisted in Company M, First Regiment New Mexico National Guard, and that while en route with the company to Columbus, N. Mex., he contracted pleurisy while on duty as a guard and that he was treated in the regimental hospital at Columbus, and also at Fort Bliss.

The adjutant general of New Mexico, in a report dated February 1, 1926, states as follows:

Rufus M. Smith enlisted in Company M, New Mexico National Guard, on May 6, 1916. Failed to pass physical examination for entry into United States service June 3, 1916; reported at company rendezvous, May 9, 1916, transportation and subsistence in kind from Columbus, N. Mex. to home rendezvous, two days required in returning to home rendezvous. No clothing drawn since entry into United States Service.

The above refers of his failure to pass the physical examination for Federal service, but the records in regard to the service rendered at the border during 1916-17 are very meager and his service prior to that referred to above is not known.

The Adjutant General, United States Army, under date of February 2, 1926, reports as follows:

I have your letter of January 28, 1926, requesting a statement from the records relative to the service of Rufus M. Smith in Company M, First Infantry, New Mexico National Guard, for use of the Committee on Pensions.

The records of this office show that Rufus M. Smith was admitted to Cantonment Hospital, Columbus, N. Mex., May 12, 1916, as a private, Company M, First Infantry, New Mexico National Guard. He was treated in that hospital for pleurisy, sero-fibrinous, lower lobe, right lung, to May 15, 1916, when he was transferred to base hospital, Fort Bliss, Tex., where he was treated for pneumonia, lobar, acute, right lower lobe, to June 1, 1916. He was returning to duty with his company at Columbus, N. Mex., June 2, 1916, and on that date was examined by a medical officer, found to be physically disqualified for service in the Army by reason of chronic pulmonary tuberculosis and discharged June 7, 1916. Nothing has been found of record in this department showing the date that Mr. Smith enlisted in the service of the State of New Mexico, or the date he reported at the company rendezvous under the call of the President.

Company M, First Infantry, New Mexico National Guard was mustered into the service of the United States June 21, 1916, at Columbus, N. Mex.

Soldier is 44 years of age and has a wife and six children and has no property of any kind and is in indigent circumstances.

Prior soundness appears to be established by the testimony of his wife and other witnesses who knew him well from 1910 to 1915, and it is shown that he has had tuberculosis or some lung disease since the service, and a physician describes his present condition as follows:

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

The above-named soldier was examined and found to be a second-stage case of pulmonary tuberculosis when examined March 27, 1922. He has been examined at intervals since then, the last examination being March 1, 1926, and at that time was found to be a third-stage case. Nothing is known about the record or physical condition of said soldier prior to March 27, 1922.

At present I would consider him totally disabled and in all probability has been for several months

The records in this case corroborate the claimant as to his reporting for duty in the border defense and his medical treatment and prior soundness and the committee therefore recommends that he be granted a pension at the rate of \$24 per month.

H. R. 7633. Fred White, Alpha, Mich., served during the war with Spain in Company I, Second Regiment Wisconsin Infantry, from June 15 to November 9, 1898, when honorably discharged. (Inv. Orig. 1229357.)

The records of the War Department show treatment in service for gonorrhoea complicated with syphilis.

Claims under the general law have been rejected because soldier could not connect disabilities with his service.

Claim under the Spanish war pension act of June 5, 1920, filed in January 1925, was rejected July 1, 1925, because of no disability independent of the effects of syphilis.

Soldier is 49 years of age, is married and has one child under 16 years of age.

He owns his home and a vacant lot all worth about \$800, and he states that his income is about \$600 per year and a physician who has known him for five years states that he has been unable to work about 50 per cent of the time due to derangement of the liver, digestive trouble, neuritis, and swelling of glands of the neck.

There is on file in the pension case an opinion of the medical officers of the Bureau of Pensions dated December 21, 1925, as follows:

There is a record of treatment in the service for "gonorrhoea complicated with syphilis." This alone is hardly sufficient to prove the venereal origin of the existing disability, but it is noted that the board which examined claimant August 15, 1900, elicited a definite history of syphilis for which he took treatment for one and one-half years.

The certificates of medical examinations described symptoms of neurosyphilis which accounts for the subjective symptoms of which he complains. He is not disabled in a degree ratable under act of June 5, 1920, independent of the effects of vicious habits.

A pension of \$12 per month is recommended.

H. R. 7772. Orval E. Jenks, Southern California State Hospital, Patton, Calif., served during the war with Spain in Company D, Fifty-first Iowa Infantry, from April 26, to November 16, 1898, when honorably discharged. (Inv. Orig. 1215853.)

The records of the War Department show no treatment in service, but soldier was discharged upon certificate of disability on account of nasal catarrh existing prior to enlistment, and the surgeon stated that the disease had been increased by the exposure of camp life.

Claim under the general law was rejected July 28, 1900, on the ground that the catarrh was not incurred in the service but existed prior to enlistment.

Claim under the Spanish war pension act of June 5, 1920, has been rejected on the ground of no disability independent of the effects of specific disease.

This action was based on certificate of medical examination made April 30, 1924, which showed him almost blind and that he had to be led about, and a Wassermann test which was positive.

Soldier is 44 years of age and has no property or income and is married.

A physician now testifies that he first treated him August 14, 1923, at which time he was totally disabled by practically complete blindness due to a condition diagnosed as general paresis resulting from syphilis of the central nervous system and that then the blindness was practically the only symptom present, except that the

laboratory tests of both the blood and cerebrospinal fluid was positive for syphilis, that "gold test" showing the curve for general paresis and the Wassermann test, cell count, and globulin tests were all positive.

While the soldier's condition appears to be due to syphilis, the committee recommends a pension of \$20 per month.

H. R. 7801. Lewis M. Kennedy, Alliance, Nebr., served during certain Indian wars in Company C, First Regiment Second Brigade Nebraska Militia, from August 24, 1864, to February 7, 1865, when honorably discharged. (I. W. S. Ctf. 8070.)

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

He is 77 years of age. It is shown by the evidence filed with the bill that he owns a house in Alliance, Nebr., valued at \$1,600, upon which there is a mortgage of \$500, and that he has an equity of \$125 in a building lot in Berea, Nebr. His income other than his pension is \$10 per month from his dwelling and that he is living with a daughter.

A physician states that the claimant requires the constant aid and attendance of another person by reason of almost total blindness cardio-vascular renal disease, especially chronic nephritis, enlarged prostate and cyst in abdomen.

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

H. R. 7806. John E. Stinson, Chickasha, Okla., served during certain Indian wars in Capt. E. F. Ickard's Company C, Texas Frontier Battalion, from August 20 to December 10, 1874. (I. W. S. Ctf. 9091.)

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

He will be 78 years of age September 1, 1926.

It is shown by the evidence that claimant owns no property and has no income other than from his professional work of a physician and that on account of his advanced age and poor physical condition his annual income does not exceed \$600. Claimant's wife owns a house valued at \$700, upon which there is a mortgage of \$350 and rents for \$10 per month. She also owns the house in which they live valued at \$1,200, and mortgaged for that amount, and 160 acres of land in Montague County, Tex., mortgaged for \$1,200. It is stated that taxes on this land amounts to \$48 and the income therefrom in the year 1925 was \$78.

A physician states that on account of very poor eyesight and advanced age the claimant is unable to actively engage in the practice of his profession; vision of right eye 20/200, left eye 20/70.

In view of the claimant's advanced age, your committee recommends that the Indian war soldier be granted an increase of pension to \$30 per month.

H. R. 7855. Ernest G. Carpenter, Pineora, Ga., served in the Regular Establishment in Company D, Twenty-seventh Regiment United States Infantry, from August 3, 1908 to August 2, 1911, when honorably discharged. (Inv. Ctf. 1257382.)

The soldier is now pensioned at the rate of \$12 per month on account of an injury of his right ankle incurred in the service his pension having been allowed in November, 1924.

He is 44 years of age, and has no property and no income but his pension, and a physician testifies that he has an injured ankle and rheumatism; that for several years he has been totally disabled and a charge on his family. He is married and has two small children.

In the certificate of last medical examination November 28, 1924 the condition of the injured ankle was described as follows:

Right ankle is stiff and painful on motion but there is no bony ankylosis of joint. Joint movement is free in every direction, but is painful. Patient is lame, walks peculiarly because he tries to avoid motion forward in ankle joint. In walking places foot flat on the ground, then steps forward with left leg. Disability one-half.

The committee believes that an increase of pension to the rate of \$17 per month is warranted and so recommends.

H. R. 7940. John N. Jennings, Sayre, Okla. The claimant's pension was increased from \$6 to \$12 per month by a special act of Congress approved March 3, 1917, said action being based upon the following report:

H. R. 13433. John N. Jennings, Sulphur Springs, Tex., served in the regular establishment in the Hospital Corps, United States Army, from March 1, 1905, to February 21, 1908, when honorably discharged. (I. C. 1148571.)

The soldier has been pensioned at \$6 per month under the general law since March 9, 1908, for chronic gastritis, which is shown to be due to service origin. Several claims for increase in rate have been rejected, the last very recently, on the ground that the rate of \$6 per month is sufficient to cover the disability due to the pensioned cause. He filed no medical testimony in connection with the claims for increase in rate. A board of surgeons in 1913 rated his disease of stomach at \$10 per month. The next and last board in 1915 reported that they could find no evidence of any disability which would warrant a rate for pension, but that the soldier complained of discomfort after each meal with gas on stomach.

With the bill the petitioner files an affidavit in which he states he is three-fourths disabled for any labor by gastritis, and that he possesses no property and has no income other than his pension of \$6 per month.

The following testimony is also filed in support of the pending bill:

STATE OF TEXAS, *County of Hopkins:*

Before me, the undersigned authority, on this day personally appeared H. S. Nichols, known to me to be a credible person, and after being duly sworn, deposes and says: That I am personally acquainted with John N. Jennings; that he owns and possesses no real estate or personal property; that he has no income outside of a pension; and that no one is legally liable for his support. I further state that I am totally disinterested in the matter of a pension of the above-named John N. Jennings.

H. S. NICHOLS.

Sworn to and subscribed before me this 3d day of April, 1916.

[SEAL.]

O. E. WALTERS,  
*Clerk of County Court of Hopkins County, Tex.*

STATE OF TEXAS, *County of Hopkins:*

Before me, the undersigned authority, on this day personally appeared R. D. Nichols, known to me to be a credible person, and after being duly sworn, deposes and says: That I am personally acquainted with John N. Jennings; that he owns and possesses no real or personal property; that he has no income outside of a pension; and that no one is legally liable for his support. I further state that I am totally disinterested in the matter of a pension of the above-named John N. Jennings.

[SEAL.]

R. D. NICHOLS.

Sworn to and subscribed before me this 3d day of April, 1916.

O. E. WALTERS,  
*Clerk of County Court, Hopkins County, Tex.*

SULPHUR SPRINGS, TEX., April 1, 1916.

*To whom it may concern:*

This is to certify that I have carefully examined John N. Jennings, of Sulphur Springs, Tex., and find him suffering with chronic dysentery, chronic gastritis, and a severe case of external hemorrhoids, and in my opinion he is not in physical condition to do ordinary continuous manual labor, and will never be other than a physical wreck.

W. S. SOUTHERLAND, M. D.

Subscribed and sworn to before me this the 1st day of April, 1916, by Dr. W. S. Southerland, whom I certify to be a credible person.

[SEAL.]

R. B. KEASLER,

*Notary Public in and for Hopkins County, Tex.*

The committee believe the evidence submitted in this case warrants an increase in pension to \$12 per month, and it is so recommended.

A bill has been introduced proposing to increase his pension to \$50 per month.

Soldier's application for increase was rejected April 16, 1924, on the ground that the evidence on file failed to show that a rate of pension in excess of \$6 per month was warranted on account of former pensioned cause "chronic gastritis." That part of the claim based on piles was rejected on the ground of no record in the War Department and no medical or other satisfactory evidence showing origin in the service or existence of the same at date of claimant's discharge.

No claim for piles was filed by claimant until 1913, and no evidence of piles was found upon official medical examinations of June 3, 1908, and April 6, 1910.

Claimant is 43 years of age and married. It is shown by the evidence that he owns no property and has no income.

Soldier's statement relative to his physical condition in the service is as follows:

I enlisted in the United States Regular Army at Sherman, Tex., December 16, 1903, and was sent to Fort Sill, O. T., and assigned to Troop D, Eighth United States Cavalry, and was stationed at Fort Sill about 18 months.

When the Eighth Cavalry was ordered to the Philippine Islands I served with Troop D until April, 1907, when I was transferred to the Hospital Corps and was stationed at the division hospital in the City of Manila.

Shortly after my transfer my health began to fail and I was admitted as a patient in the division hospital some time in June, 1907. After being treated for a month or two at the division hospital, I was transferred to the United States general hospital at San Francisco, Calif. The thymol treatment was administered to me at the United States Army general hospital shortly before I was discharged. This caused my rectum to protrude and bleed and was very raw; in fact I could hardly bear to use toilet paper; still I did not realize that it was piles.

My original claim for pension was filed by a pension attorney at San Francisco. At the time my first claim was filed I was ignorant of the fact that you had to specify each and every disease; I thought all that was necessary was to file the claim and I would be pensioned according to my disability regardless of what was wrong with me.

The board of examining surgeons on February 6, 1924, recommended one-half disability on account of chronic gastritis and internal hemorrhoids and pyorrhea.

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

Dr. J. N. Cross of lawful age, being duly sworn, upon oath deposes and says that he has known and treated John N. Jennings from time to time for the

last four years and that he was suffering from bleeding piles, dysentery, and laryngitis, the piles protruded and bled, besides he had a mass of internal piles. I advised him a number of times to undergo an operation, which he did in June of last year. Dr. Oliver of Erick, Okla., performed the operation. That I examined him again on January 13, 1926, and find the piles are returning and his condition not much improved. From my own knowledge of the case I am sure that is of long standing. Since I have known Mr. Jennings he has been a physical wreck and not in condition to perform manual labor. That I also can vouch for the testimony of Mr. Dave and Willa Rickett. That I have known them several years and know them to be reliable.

It is recommended that the soldier's pension be increased to \$20 per month.

H. R. 8028. William E. Worden, Eureka Springs, Ark., served during certain Indian wars, as a member of Company F, Second Regiment Nebraska Militia, from July 22, 1890, to August 4, 1891, when honorably discharged. (I. W. S. Orig. 19789.)

In his claim under the Indian war pension act of March 4, 1917, the soldier alleged service against the Sioux Indians in Nebraska.

The claim was rejected because service in Nebraska in 1890 and 1891 was not pensioned under said act. Service against the Sioux Indians in South Dakota is pensionable:

The soldier's service is shown by a report of the adjutant general of Nebraska, who under date of February 17, 1926, informed the committee that the service rendered by Company F, Second Regiment, was in connection with the Sioux outbreak, or campaign, which was carried on in South Dakota, but they were State troops and sent to the border of the State by the Governor of Nebraska. His name appears on the records of the company.

In an affidavit filed with the bill the soldier made the following statement as to his service:

In November, 1890, an outbreak of Sioux occurred at the Pine Ridge Agency; this agency was across the line from Nebraska in South Dakota, approximately 7 or 8 miles. The Nebraska National Guard, Company F, Second Regiment, was called out for service in the campaign, and was subsequently mustered in the United States Service, and this affiant was mustered into said service in said campaign. The particular unit to which the affiant was attached was detailed to patrol service, and this service extended along the line between South Dakota and Nebraska but the actual service was performed on the Nebraska side of said line, in patrolling said line and rendering assistance to settlers in getting into the near-by towns and protecting them from attack in the course of such moves. I was mustered out of the service in the early part of the year 1891, at about the close of the campaign.

Two witnesses testify that they served with claimant and that their duties were guarding the line between Nebraska and South Dakota against the Indians in what is now Sheridan County, Nebr.

Claimant is 65 years of age and owns 160 acres of land worth about \$1,600 which he states is mortgaged for \$500, and his income about \$200 per year, and a physician testifies that he is about three-fourths disabled for manual labor because of rheumatism, heart disease, and prostatic hypertrophy.

Allowance of a pension of \$20 per month as an Indian war soldier is recommended and is fully warranted.

H. R. 8296. William Hargis, 509 East Main Cross Street, Taylorville, Ill., served in the Regular Establishment in Company F, Second Regiment United States Infantry, from October 19, 1903, to January 11, 1909, when honorably discharged. (I. O. 1417033.)

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

February 1 to 3, 1905, slight abrasion on lower lip, caused by blowing trumpet; July 26 to 29, 1905, bronchitis acute; April 13 to 17, 1906, malarial fever, malignant infection, intermittent; August 24 to 29, 1906, herpes labialis, lower lip; February 1 to 4, 1907, indigestion, intestinal, acute, cause conjectural.

All the foregoing in the line of duty.

No additional record of disability found.

Soldier applied for pension November 12, 1914, for malarial poisoning but the claim was rejected after special examination December 12, 1916, on the ground that the best obtainable evidence failed to show continuance since discharge.

After rejection an affidavit by Dr. W. F. Farley was filed stating that after soldier's discharge he was treated for malaria by Dr. A. A. Farley who was working under him, but reopening was denied and, in June, 1917, this action was affirmed on appeal. Thereafter considerable evidence was filed but reopening of claim was again denied.

In this case there is a record of soldier's treatment for malaria and intestinal indigestion while in the service, and evidence showing that he was treated for malaria after return home by Dr. A. A. Farley, and also medical evidence shows treatment for same by other physicians in 1914, and off and on since that time as well as the testimony of lay witnesses showing that soldier was not in good health after the service and showed evidence of malaria, and medical examinations made in 1915 showed disability from malaria. There is also on file medical evidence showing existence of malaria in 1923 or 1924.

The soldier is 42 years of age and has no real estate, and only household goods of little value, and his income is about \$732 annually. He is a coal miner and married.

In support of the bill testimony has been filed showing that he suffers from and loses time from work by reason of malaria. A physician states claimant is only able to work half of the time.

In view of all the evidence the committee believes that this soldier has some disability due to malaria of service origin and recommends that he be granted a pension of \$12 per month.

H. R. 8364. Nancy E. Phillips, Pocatello, Idaho, is the widow of William H. Phillips, who it is alleged served during certain Indian wars in Captain L. S. Ross's company, Texas Mounted Rangers, from October 1, 1860, to April, 1861. (I. W. W. Orig. 14089.)

Claim under the Indian war pension act of March 4, 1917, has been rejected because neither the official records of the United States or of the State of Texas afforded any evidence of the alleged service of claimant's husband, his name not being borne on the muster or pay roll of the company on file in the State archives, and the evidence on file failed to satisfactorily show that he actually enlisted in the company and rendered 30 days' service.

In support of the claim the affidavits of B. C. Dragoo and B. F. Gholson were filed, both of whom testified that claimant's husband, William H. Phillips, served with them in Captain Ross's company for more than 30 days, and both of these witnesses are pensioned for service in that company. Another witness also testified to service of claimant's husband.

The claimant was married to the soldier in 1870 and he died June 2, 1889, and she has not since remarried, as shown by the evidence.

She is 72 years of age and has no property and had an income of \$10 per month which ended March 1, 1926, and she is dependent upon a daughter who is a school-teacher.

A physician testifies that she has heart and kidney trouble with arteriosclerosis.

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

H. R. 8407. Samuel H. Woollen, Knife River, Minn., served during certain Indian wars in Company G, Ninth Regiment United States Infantry, from November 12, 1873, to June 5, 1877, when honorably discharged. (I. W. S. Ctf. 7365.)

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

He is 73 years of age and owns property worth \$1,500 and his income is his United States pension and a railroad pension of \$14.40 per month.

A physician testifies that he is unfit to do any manual labor as he has a cancer which can not be operated upon.

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

H. R. 8497. William S. Morrison, 418 Fifth Avenue, South, Minneapolis, Minn., served during the war with Spain in Company B, First Regiment North Dakota Infantry, from May 2, 1898, to June 28, 1898 (58 days), when honorably discharged by reason of favor. (Inv. Orig. 1385579.)

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

June 18 to 22, 1898, tonsillitis, both tonsils, in the line of duty. No additional record of disability found.

The records also show: Sick in quarters May 14, 23, 26, June 11, to 12, 16 to 18, 22 to 25, 1898. In regimental hospital Camp Merritt, San Francisco, Calif., June 19 to 21, 1898, inclusive. All dates inclusive and all sickness in line of duty.

The Adjutant General also reports that the nature of soldier's illness while sick in quarters not of record.

His first claim for pension was filed August 30, 1909. It was rejected in the year 1910, on the ground of no ratable degree of disability from rheumatism, lumbago, diarrhea, and constipation. This action was based upon an official medical examination of November 17, 1909, the medical board, however, recommended a rating of 6/18 for rheumatism, 4/18 for chronic diarrhea, and resulting constipation.

A subsequent claim under the general law was rejected November 9, 1918, on the ground of no record in the War Department of alleged rheumatism, lumbago, diarrhea, and constipation, no medical or other satisfactory evidence of their origin in the service or of their existence at date of discharge or continuance from the date of discharge. Reopening of the claim was denied in the year 1924, for the reason that the additional evidence furnished did not show that affiants had personal knowledge that claimant contracted disabilities while in the service and that their statements were merely based upon complaints made by the claimant.

There is no evidence at all showing existence of any of the alleged disabilities especially rheumatism or lumbago until the year 1909 (11 years after discharge) when soldier filed a claim for pension and physician stated that he began treating claimant on March 6, 1909, for rheumatism affecting the muscles of the arms, chest, and dorsal regions of the back.

The claimant filed the affidavits of several members of his company to the effect that claimant was sick in the service, but they could not state from what cause. One member of the claimant's company, Robert A. Thomson, did state that at various times while in the service, claimant complained to him of pains in his back, and that he had lumbago or rheumatism. Another member of claimant's company, one Frank A. Regan, also made such a statement.

The claimant is 54 years of age.

It is shown by the evidence filed with the bill that the soldier owns no property excepting household furniture and that his annual income is about \$350 per year.

A physician states as follows:

*To whom it may concern:*

This is to certify that Mr. Williams S. Morrison has been under my care since December 16, 1925, and is still under my care. His trouble is apparently recurrent and this attack dates from December 8, 1925.

His disease is described as arthritis of the spine and left hip joint with a neuritis of the large nerves of the left thigh and leg probably caused by the arthritis (rheumatism) in the hip and spine.

From all appearance, it is my opinion he is practically totally disabled and that the disability will be permanent.

A pension of \$12 per month is recommended.

H. R. 8551. Lawrence B. Feters, United States Soldiers' Home, Washington, D. C., served during the Philippine insurrection in Troop C, Fourth United States Cavalry, from August 20, 1901, to August 19, 1904, when honorably discharged. He also served in the Army almost continuously from November 2, 1904, to May 31, 1922, when honorably discharged. (I. O. 1500413.)

The records of the War Department show treatment in service 1909 for secondary syphilis and in 1911 for tertiary syphilis of brain, manifested by slight paralysis of left arm and leg. The records also show treatment in 1921 for herpes zoster and that he was under observation for syphilis in November of that year.

He was last discharged because of general paralysis of the insane, which did not originate in line of duty.

The records of the United States Soldiers' Home show that soldier was admitted to hospital February 17, 1925, with a diagnosis of cerebrospinal syphilis.

Claim under the Spanish war pension act of June 5, 1920, has been rejected because of no disability independent of the effects of specific disease and this action has been affirmed on appeal.

Soldier is 45 years of age, unmarried, and has no property or income, and a physician testifies he has myocarditis and neuritis and is completely disabled for manual labor.

As the medical officers of the Pension Bureau have declined to eliminate the specific disease of record.

A pension of \$12 per month is recommended.

H. R. 8844. Homer N. Horine, 562 Vine Street, Paris, Ky., served during the border defense as quartermaster sergeant in Company I, First Regiment Kentucky National Guard, from July 8 to October 4, 1916, when honorably discharged at his own request on account of "dependent relatives." (Inv. Orig. 1433338.)

The records of the War Department show no treatment in service, but that the physical examination of the soldier at muster in at Fort Thomas, Ky., disclosed with reference to genitourinary organs an "impulse right ring" and "no other defects noted."

The soldier's claim for pension filed June 21, 1920, was rejected on the ground of no record in the War Department of the incurrence of or treatment for right inguinal hernia and that the best obtainable evidence failed to show satisfactorily that the same was incurred in the service in line of duty. The claim was reopened, referred to the field for special examination, and again rejected upon the same grounds. An appeal was taken to the Secretary of the Interior and the Pension Bureau's action of rejection was affirmed, the Assistant Secretary concluding his decision as follows:

It is thus fully established by record evidence that the alleged hernia of right side existed prior to the soldier's enlistment and was in no wise due to or incident to his military service in line of duty, a fact that is not successfully controverted by evidence filed, including that obtained through a special investigation of the claim. The alleged disability was not the cause of his discharge, but discharge was by favor to him at his own request.

Further discussion is unnecessary. The department affirms the rejection of the claim.

The claimant alleges that about July 26, 1916, under orders of Major Short, at Fort Thomas, Ky., he with others were moving a large box containing camp equipment when a pain seized him in the right groin and he stopped work and went to his tent and laid around the balance of the day. This occurred about noon and the pain in groin continued all that afternoon. Having permission to go home before he moved the box, he took a train for Paris; the pain bothered him that evening after reaching home, and as his right groin was still paining him the next morning he went to the office of Dr. John T. Brown, and that the doctor after an examination told him he was ruptured. Dr. John T. Brown testified before the special examiner that he had no records of dates or nature of examination or treatment of the claimant, but recalls that claimant came to his office and asked to be examined, and stated that he had just returned from service at Fort Thomas; that he examined him and found that he had a right inguinal hernia. He further stated that the claimant at the time attributed the rupture to lifting a box at Fort Thomas, the day before, that claimant said he felt a pain directly after lifting the box. The doctor stated that there was a good deal of tenderness on examination which he interpreted as indicating a fresh rupture.

Major Short, of the soldier's organization, stated that he ordered the soldier in July, 1916, to move a very large box into the battalion headquarters, said box containing clothing and supplies, and that claimant moved this box. Major Short does not know whether claimant received any injury from moving this box.

Cecil Florence, who was serving with the soldier at the time, stated to the special examiner that he recalls that he assisted claimant in moving boxes in July, 1916, and that claimant complained of pain somewhere on account of it and of not being able for duty afterwards.

Nolan Constantine, of the same company, also made a similar statement. Several other comrades made such statements; however, it was shown that they were not with the company July 26, 1916. However, claimant may be mistaken in the date he moved the box.

Claimant is 54 years of age, married, and has a wife and several small children.

It is shown by the evidence filed with the bill that the claimant owns no property and has no income other than that he is able to earn when able to work.

Several witnesses state that they have known claimant prior and subsequent to his enlistment and that he had no disabilities prior thereto, but has not been a strong man since.

Dr. John T. Brown states as follows:

That he is a practicing physician, and has been acquainted with the above-named soldier for about 18 years, and that he knew the said soldier prior to his enlistment and that he treated him as his physician.

That I, Dr. John T. Brown examined Homer Horine on or about July 27, 1916, and found an inguinal hernia of right side with large protusion within the ring. I had known him well for the 10 years previous to this time and would have known if the hernia had been present.

He stated he had just returned from Fort Thomas, Ky., where he had been at work for the United States Government. He said he had lifted a large, heavy weight the day before coming home July 26, 1916, and I believe his statement is true, and believe the "lifting" he spoke of was cause of rupture.

His ability to serve is reduced 50 per cent.

Official medical examination of April 27, 1921, disclosed that claimant had an incomplete right inguinal hernia, not strangulated.

In view of the evidence, especially the affidavit of Dr. John T. Brown, it is believed that the soldier received his hernia while in the service lifting a heavy box and that "impulse right ring" found upon examination at enlistment is too indefinite to hold that the hernia existed prior to service; if it did it was made worse by lifting while in the service.

A pension of \$17 per month is recommended.

H. R. 8926. Dora D. Walker, Appleton, S. C., is the dependent mother of Ward D. Walker, who served during the Philippine insurrection in Companies C and B, Fortieth Regiment United States Volunteer Infantry, from September 1, 1899, to May 11, 1901, when honorably discharged. (Mother's Orig. 788145.)

The United States Senate in the Fifty-ninth Congress recommended that claimant be granted a pension. However, the Senate bill 6189 never became a law.

The Senate report is as follows:

[Senate report no. 3737, 59th Congress, 1st session.]

The Committee on Pensions, to whom was referred the bill (S. 6189) granting a pension to Dora D. Walker, have examined the same and report:

A similar bill was introduced in the Senate during the Fifty-eighth Congress, reported favorably, and passed the Senate.

The report was as follows:

"Dora D. Walker is the mother of Ward V. Walker, who was killed in action with ladrones at Aloguinsan, Cebu, P. I., May 13, 1903. He was formerly a private and corporal in Company C, Fortieth U. S. Volunteer Infantry, in which he served from September 1, 1899, to May 11, 1901. After his discharge from the Army he was employed in the quartermaster's department in the Philippines until November 15, 1902, when he was appointed an inspector of the Philippine Constabulary service, and served therein until he, with seven of his men, was killed in an engagement with ladrones.

"Mrs. Walker filed a claim for pension at the bureau, but the same was denied for the reason that her son was not an officer or soldier of the Army when he was killed, but an employee of the Philippine government, and existing laws made no provision for such a case.

"Mrs. Walker is a widow, her husband having died August 27, 1902. Her only means of support is what she earns by teaching school. She was in part dependent on her son, who aided her in the care and support of her younger children. Her only chance for obtaining pension is by special act of Congress, and she files the following letter from the Commissioner of Pensions to show the merits of her claim:

"DEPARTMENT OF THE INTERIOR, BUREAU OF PENSIONS,  
"Washington, November 24, 1903.

"MADAM: Referring again to your communications of recent date relative to your claim for pension, No. 788145, as dependent mother of Ward V. Walker, late of Company C, Fortieth U. S. Volunteer Infantry, war with Spain, you are advised that it appears from said papers that you filed a claim for pension on July 20, 1903, under the general law as amended by the act of June 27, 1890, which was rejected October 27, 1903, on the ground that the soldier having been killed after his discharge from his military service his death was not due to said service, and therefore you would have no pensionable status.

"Since the receipt of your letters and the rejection of this claim additional information has been called for from the War Department, which has just been received. In his report the Chief of the Record and Pension Office states that 'Nothing has been found of record in this office to show that Ward V. Walker was in the military service of the United States after May 11, 1901.' The Bureau of Insular Affairs, in a report dated the 17th instant, states as follows: 'The records of this office indicate that Ward V. Walker was appointed an inspector of the Philippine constabulary November 15, 1902, and died from bolo (knife) wounds inflicted by ladrones (robbers) at 12 o'clock noon, May 13, 1903, at Aloguinsan, Cebu, P. I., his remains being interred at Barili, on the same island.'

"It appears conclusively, therefore, from the report from the War Department, and also the report from the Bureau of Insular Affairs, that Mr. Walker at the time of his death was a civil employee, and not in the regular military service of the United States, which would be necessary in order to give you a pensionable status before this bureau.

"I wish to assure you of my high appreciation of the services of your son and that I exceedingly regret that it is not within my power under the law to grant you the relief you seek. This is clearly a case in which an application for pension by special act of Congress could be properly made, and this is the only encouragement I am able under the circumstances to hold out to you. In applying for pension by special act reference could be made to the papers on file in this bureau. The application should be made through a Senator from your State or your Representative in Congress.

"This case has engaged my deep personal interest in an endeavor to discover whether the services which your son performed at the time of his death were of such a character that you could be granted a pension.

"Very respectfully,

"E. F. WARE, Commissioner.

"Mrs. DORA D. WALKER, Appleton, S. C."

Of interest in the case is the following letter, addressed to the chairman of this committee by Hon. William H. Taft, Secretary of War:

WAR DEPARTMENT,  
Washington, January 21, 1905.

MY DEAR SENATOR: I beg to acknowledge the receipt of your letter of January 14, in which you inquire as to the status of men employed in the Philippines Constabulary service and in which you hand me a bill (S. 2666) granting a pension to Mrs. Dora D. Walker, the mother of Ward B. Walker, who served in Company B, Fortieth United States Volunteers, and who was afterwards employed as inspector in the Philippine Constabulary service.

You ask me whether this department considers the Philippines Constabulary service a part of the Military Establishment of the United States.

In reply I beg to say that the Philippines Constabulary service is not a part of the military service of the United States. The present law of Congress provides for the enlistment and organization of fifty or more companies of Philippine Scouts, so called, with the proper proportion of officers. These scouts are enlisted

in the Army of the United States and are therefore a part of the Military Establishment of the United States. The Philippines Constabulary was organized by the Philippine government under the general powers conferred by the organic act approved July 2, 1902.

The constabulary is recognized by Congress as a force engaged in the suppression of lawlessness in the Philippine Islands by an act of Congress, in which the officers of the Philippines Constabulary detailed from the Army of the United States are authorized to command companies of Philippine Scouts and to use them in cooperation with the constabulary in the suppression of disorder whenever the constabulary force may be deemed to be insufficient. That is "An act to promote the efficiency of the Philippines Constabulary, to establish the rank and pay of its commanding officers, and for other purposes," approved January 30, 1903.

I presume that there would be no doubt that an officer of the Philippine Scouts injured in the line of duty would come within the benefits of the pension law. The ruling of the Commissioner of Pensions that an officer of the Philippines Constabulary is not an officer in the Military Establishment of the United States, however, is undoubtedly correct.

Still it would serve greatly the purpose of the National Government in establishing a Philippine government and authorizing it to organize a quasi-military and police force like the Philippines Constabulary if the men running the risk of losing their lives or limbs as members of the Philippines Constabulary in maintenance of the authority of the United States in the Philippine Islands and the suppression of disorder therein could feel that their mothers and wives and children would be treated as wards of the National Government by special pension act or otherwise. The dangers of the service, in view of the peculiar conditions surrounding it in the Philippine Islands and the close resemblance between the service rendered by the Philippine Scouts and that rendered by the constabulary, make clear the equity of the bill, a copy of which you submit to me.

Lieutenant Walker, in whose mother's interest the bill is proposed, was a brave officer of the Philippines Constabulary, who lost his life in action with a considerable force of savage fanatics in the remote mountainous region of Cebu. These fanatics are not insurrectos, but they are misguided, semisavage people led into following a religious fakir and into preying upon the lowland villages of the island to support themselves and their leader. They are known as "Pulajanes" and are not really to be classed with the civilized Filipinos at all. Service against them was like service against the wild Indians of the West.

I should be very glad if, in matters of pensions, the case of the men of the constabulary who lose their lives in such service could be assimilated to that of the scouts and to that of persons in the regular military service.

I have the honor to be, very respectfully, yours,

WM. H. TAFT, *Secretary of War.*

Hon. P. J. McCUMBER,  
*Chairman Committee on Pensions, United States Senate.*

P. S.—Before I had examined the question herein, the Chief of the Insular Bureau had prepared a letter to you on this same general subject, which is more specific in its reference to laws than mine. I therefore inclose it for your further information, together with laws and orders referred to.

WAR DEPARTMENT, BUREAU OF INSULAR AFFAIRS,  
*Washington, January 14, 1905.*

SIR: By direction of the Secretary of War, I have the honor to acknowledge the receipt of your letter of even date asking to be furnished with information as to whether the Philippines Constabulary is considered a part of the Military Establishment of the United States, stating that you desire this information in connection with a bill introduced granting a pension to Mrs. Dora D. Walker, the mother of Ward V. Walker, who served in Company B, Fortieth U. S. Volunteers, and who was afterwards connected with the Philippines Constabulary.

In reply you are respectfully informed that the Philippines Constabulary is not a part of the Military Establishment of the United States, but it is an organization maintained by the government of the Philippine Islands. The purpose for which the Philippines Constabulary was organized is set forth on pages 21 and 22 of the inclosed pamphlet, which was prepared in this bureau.

You will also find inclosed herewith a copy of act No. 175 of the Philippine Commission, which is the organic act of the Philippines Constabulary, and a

copy of act No. 619 of that body, to promote good order and discipline in the Philippines Constabulary, section 14 of which provides for the accumulation of a pension fund, and a copy of General Orders, No. 107, headquarters Philippines Constabulary, series 1904, providing regulations for the granting of pensions. It will be noted that these regulations provide for pensions to widows and orphans only of deceased officers of the Philippines Constabulary.

The records of this office indicate that Ward V. Walker was appointed to the Philippines Constabulary on November 15, 1902, as a fourth-class inspector of that organization, and that he was promoted on February 1, 1903, to the grade of second lieutenant; also that he lost his life in an engagement with a band of fanatical mountain people styled "Pulajanes," in the jurisdiction of Aluguisan, Province of Cebu, on May 3, 1903, while an officer of the Philippines Constabulary.

Very respectfully.

C. R. EDWARDS,

Colonel, U. S. Army, Chief of Bureau.

Hon. P. J. McCUMBER,

Chairman Committee on Pensions, United States Senate.

Your committee are of opinion, in view of the peculiar circumstances of the case, that claimant is equitably and justly entitled to a measure of relief, and therefore report the bill back favorably with a recommendation that it pass.

Your committee adopt the foregoing report and recommend the passage of the bill when amended as follows:

In line 6, before the word "mother," insert the word "dependent."

A bill has been introduced proposing to grant the claimant a pension of \$30 per month by a special act of Congress.

It is shown by the evidence that the claimant is the soldier's mother and that she is a widow. The soldier was never married.

Claimant is 64 years of age.

It is shown by the evidence that she owns 6 acres of land that rents for \$5 per acre, a four-room cottage that rents for \$10 per month, and  $3\frac{3}{4}$  acres of land that yields 1 bale of cotton per year; that the total value of said property is \$1,500 and that her annual income from all sources is \$300.

No one contributes toward her support.

A physician states as follows relative to her physical condition:

That he is a practicing physician and has been acquainted with the above-named claimant for about seven years, and that he has on several occasions been called upon to treat Mrs. Dora D. Walker's throat and nose. She has a chronic nasopharyngitis and is under constant treatment for same. But at variable intervals this condition assumes the nature of an acute condition during which periods she is more or less prostrated and wholly incapacitated for work. As she grows older these periods of exacerbation become more frequent and apparently more severe.

I have treated claimant for this ailment on the following dates: May 24, 27, 30, and July 14, 1925. I have treated her on other occasions, but the dates which I have specific record of are shown above.

A pension of \$20 per month is recommended.

H. R. 8938. William D. Rodgers, 318 F Avenue, Coronado, Calif., served during the war with Spain in the United States Navy from June 22 to September 3, 1898, when honorably discharged. (Inv. Orig. 1506094.)

Claim under the Spanish War pension act of June 5, 1920, has been rejected because of insufficient service which covered a period of only 74 days.

The claimant, however, was a member of the crew of the *New York*, a ship of the International Navigation Co., which was taken over by the Navy April 26, 1898, and commissioned that day and known as the U. S. S. *Harvard*, with Capt. C. S. Cotton, commanding, as

shown by a letter written by the Secretary of the Navy March 8, 1926, to Hon. Phil D. Swing, the Member who introduced this bill. Other official records show that thereafter in May and June, 1898, it was in the West Indian waters for the purpose of ascertaining and reporting upon the movements of the Spanish fleet.

The claimant has filed an autograph letter written to him May 5, 1899, by Captain Cotton testifying to his excellent conduct zeal and skill in the performance of his duty on the *Harvard* for some four months and upward.

Claimant is 58 years of age, married, and owns no property but he has an income of \$1,740 per year.

A physician testifies that he has phlebitis that predispose to ulceration of legs and feet and also suffers from eczema and other troubles and is disabled for manual labor one-half the time.

As the *Harvard* was used as a naval vessel from April 26, 1898, until claimant was discharged he had an actual service of much more than 90 days and it is believed he should be credited with such service.

A pension of \$15 per month is recommended.

H. R. 9138. Walter Brandon, Marion, Ohio, served in the regular establishment in Troop K, Second Regiment United States Cavalry, from March 15, 1905, to March 14, 1908, when honorably discharged. (Inv. Ctf. 1150095.)

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

September 6 to 9, 1905, contused wound, slight, 1 inch long, inner side left knee; struck knee with axe while chopping wood while on fatigue at post; September 6, 1905; accidental. May 5 to 8, 1907, under observation for measles; result negative. November 30, 1907, herpes zoster, left side; abdominalis, complication. December 6, 1907, tonsillitis, follicular, acute, bilateral. February 21 to 24, 1908, influenza. March 7 to 14, 1908, burn, severe, 3 inches in diameter dorsum right foot, accidentally incurred by spilling bucket of hot water on same in troop kitchen at this post March 6, 1908. All the foregoing in the line of duty. No additional record of disability found.

The soldier was pensioned at the rate of \$10 per month for disease of skin for which he applied for pension June 1, 1908, but his name was dropped from the roll in January, 1926, because the disability had ceased to exist.

He filed claims for other disabilities—malarial poisoning, disease of liver-stomach, heart and kidneys, and rheumatism—all of which have been rejected because he could not connect the diseases with his military service.

He is 41 years of age and has a wife and four young children and owns no property other than personalty worth a few hundred dollars, and his earnings are very small.

This soldier's claim was given a thorough special examination and there is on file some evidence showing that he had malaria, or some fever with a chill in the service, and also showing existence of some stomach or liver trouble at intervals since discharge, and in June, 1912, a board of surgeons found disease of stomach and liver, and rated same at 8/18 and same trouble was found by another board in February, 1914, and on last medical examination made February 20, 1924, the board reported the liver enlarged and tender and tongue coated.

In an affidavit filed in support of the bill Dr. S. J. Blackburn states as follows:

After the soldier's return from the Army (I can't remember just how long) he called on me for treatment for a rash on his body, pains in back, and his bowels hurting him. I gave him treatment with only temporary relief, and then at intervals he would have chills and fever. He married, I don't remember just when, but I was his family physician until he moved to Carriers Mills, Ill. (I think it was in 1913), and I still did some practice for him and family while they lived there. I came to this conclusion, that his rash was a Herpes zoster and his erratic chills was a malarial poisoning and his bowel trouble was disease of the liver, stomach and bowels.

He has had (only at short intervals) a sallow complexion, looks bad, and resembles a man almost exhausted. I have seen this soldier several times each year since he moved to Carriers Mills, Ill., and he wears that same expression, only it seems to be worse.

Your committee is of the opinion from the evidence that this soldier has some disability due to malaria, which is probably due to his military service, and recommends that he be granted a pension of \$10 per month.

H. R. 9224. David M. Morse, 338 West Front Street, Perrysburg, Ohio, served during certain Indian wars in Troop A, Eighth Regiment United States Cavalry, from August 27, 1870, to August 27, 1875, when honorably discharged. (I. W. S. Ctf: 12327.)

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

He is 80 years of age and owns property as shown assessed at \$3,200, and he states his income is his pension and \$80 per year from rents.

His pension was allowed in March, 1925, and he was then paid over \$1,900 arrears of pension, but he states his wife had been an invalid and died and that from the arrears of pension he paid as expenses of her sickness and death \$1,686.

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

H. R. 9263. Christopher H. Williamson, R. F. D. No. 2, Jeannette, Pa., served during certain Indian wars in Troop H, Third United States Cavalry, from January 20, 1866, to October 22, 1868, when honorably discharged. (I. W. S. Orig. 12422.)

Claim under the Indian war pension act of March 4, 1917, has been rejected because soldier did not serve in any Indian war or campaign named in the act.

However, in a letter written to the member who introduced the bill under date of July 15, 1922, The Adjutant General, United States Army, states as follows with reference to the soldier:

This soldier was stationed successively in Pennsylvania, Arkansas and New Mexico. It does not appear that he served in any of the Indian campaigns named in the pension act of March 4, 1917, but it does appear that he was engaged against hostile Indians in the Gallinas Mountains, N. Mex., in the summer of 1867, and at Nesmith Mills, N. Mex., in April, 1868.

It is therefore believed that he should be regarded as an Indian war soldier.

He is 79 years of age and has no property except a little garden plot and some chickens, and has stomach trouble and is subject to epileptic convulsions.

The committee recommends that he be granted a pension of \$20 per month.

H. R. 9386. James L. McChan, 3630 Thirteenth Street N.E., Washington, D. C., served during the war with Spain in Company B, First Regiment Maryland Infantry, from June 22 to September 13, 1898, when honorably discharged. (Inv. Orig. 1333991.)

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

June 27 to 29, 1898, intestinal colic, in line of duty; July 14, 1898, constipation; July 15, 1898, intermittent; July 30, 1898, heat expiration; July 31, 1898, rheumatism; August 2 to 17, 1898, remittent fever, in line of duty. No additional record of disability found.

Soldier was discharged on account of violent attacks of indigestion existing prior to enlistment.

Claim under the general law was rejected on the ground that the disability (indigestion) existed prior to enlistment.

Claim under the Spanish War pension act of June 5, 1920, has been rejected because of insufficient service.

Claimant is 50 years of age and married.

He owns a third interest in a house worth about \$1,800, and states that he earned about \$330 during the year 1925.

Witnesses testify to prior soundness and a physician testifies to treatment on several occasions the past 15 years for digestive trouble and that he is about one-fourth efficient and has been since he knew him.

Claimant had 84 days of service and it is recommended that he be granted a pension of \$18 per month.

H. R. 9407. Oskar Hofstrand, 696 Bergen Street, Brooklyn, N. Y., served during the war with Spain in the United States Navy on the U. S. S. *Harvard*, from June 15 to September 2, 1898, when honorably discharged. (Inv. Orig. 1446797.)

Claim under the Spanish War act of June 5, 1920, has been rejected because of insufficient service. His service covered a period of only 80 days. The report from the Navy Department shows that he was appointed June 15, 1898, a warrant machinist for temporary service. This claimant alleges that he was on the *Harvard* from April 26, 1898, to September 2, 1898, and in a report made to this committee under date of December 20, 1924, the Secretary of the Navy stated that under date of April 27, 1898, the Secretary of the Navy signed a charter party with the International Navigation Co. for their steamers, *New York*, afterwards known as the *Harvard*, and the *Paris*, afterwards known as the *Yale*, and that the vessels were both fitted for scout duty by the Navy Department.

His report showed further that the *Harvard* was placed in commission at New York, April 26, 1898, Capt. C. S. Cotton commanding, and sailed from New York April 29 under sealed orders to cruise in West Indian waters for the purpose of ascertaining and reporting upon the movements of the Spanish fleet.

Under the circumstances as related, this man was practically serving in the Navy from April 26, 1898, and thus had more than 90 days' service.

Claimant is 60 years of age and states he has no property except mining stock of no value and about \$3,000 in savings bank, and witnesses testify that he has no property and lives on the income from money in bank and that his savings amount to \$3,800.

A physician testifies that he has been under his care for two years for neurasthenia, hysteria, and rheumatism, and that during this time he has been unable to work, and his condition is unimproved. Witnesses also state that claimant has been physically unable to work for the past five years on account of rheumatism and looks as though he will never be able to work.

A pension at the rate of \$24 per month is recommended.

H. R. 9421. Mary Collins, 236 Ludlow Street, Cincinnati, Ohio, is the widow of Patrick Collins, who served in the Regular Establishment and during the Civil War in Company I, Second United States Cavalry, from February 14, 1855, to July 23, 1861, when he was appointed a second lieutenant Fourteenth United States Infantry, and served until November 11, 1879, when he was accidentally killed in the line of duty while a captain in the Twenty-first Regiment United States Infantry. (Wid. Ctf. 190145.)

Claimant was first pensioned under the general law at the rate of \$20 per month.

She was married to the officer April 17, 1863, and she is now pensioned as his widow at the rate of \$30 per month; her pension having been increased to that rate by the act of May 1, 1920.

The widow is now 81 years of age and has no property and no income except her pension and no one voluntarily contributes to her support and medical evidence shows that she has rheumatism, disease of heart and other troubles and is practically helpless without a cane or crutch.

At the time the bill was introduced claimant had a helpless child for which she was drawing \$6 per month additional pension. This child has since died.

In view of the officer's long service, and claimant's advanced age and pecuniary condition, an increase of her pension to the rate of \$50 per month is recommended.

H. R. 9472. Margaret E. Griffith, 6 Hammond Street, Portland, Me., is the widow of William H. Griffith, who served in the Regular Establishment in Company B, Twelfth Regiment United States Infantry, from February 15, 1867, to February 12, 1870, and in Battery M, Fourth United States Artillery, from March 19, 1878, to March 18, 1883, and from April 5, 1883 to March 6, 1885, when honorably discharged. (Wid. Ctf. 274450.)

The soldier died January 16, 1890, and claimant to whom he was married May 10, 1883, is now pensioned at the rate of \$12 per month his death having been accepted as due to his military service.

She is 72 years of age and has a house and lot worth about \$1,000, and has \$2,600 in a savings bank money earned by her while able to work at washing which yields her 4 per cent interest.

Medical evidence shows that she has a gastric ulcer and is unable to work.

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

H. R. 9485. Benjamin F. Woodward, Sarcovie, Mo., served during certain Indian wars in Company D, Seventh Regiment United States Infantry, from February 10, 1873, to February 10, 1878, when honorably discharged. (I. W. S. Ctf. 10961.)

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

He is 71 years of age and married.

It is shown by the evidence filed with the bill that he owns a lot in Sarcoxie, Mo., valued at \$500 and that he has no income. He has two children but they do not contribute to his support.

A physician states that he has treated claimant for the past two years for partial paralysis and that the claimant is wholly unable to perform any work and is also very deaf.

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

H. R. 9531. Clara L. Conklin, 305 Twenty-third Avenue, San Francisco, Calif., is the dependent mother of Ray R. Conklin, who served in the Regular Establishment in the United States Navy from December 4, 1909, to March 6, 1910, when he died in the service. (Mother's Ctf. 712198.)

The claimant is now pensioned at the rate of \$12 per month as his mother. She is now 63 years of age and has no property except a few household goods and has no income and she is afflicted with chronic arthritis of the spine and can do only very light work.

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

H. R. 9546. Jesse W. Winningham, 1521 Central Avenue, Indianapolis, Ind., served during certain Indian wars in Troop G, Eighth Regiment United States Cavalry, from August 26, 1870, to August 26, 1875, when honorably discharged. (I. W. S. Ctf. 12366.)

The soldier who is 75 years of age is now pensioned at the rate of \$20 per month under the Indian War pension act of March 4, 1917, and owns no real estate, and witnesses state his income is small and inadequate for his support. He is an insurance agent, but not very active.

Medical evidence shows that he is ruptured and has hemorrhoids and other troubles and is unable to do manual labor.

His pension was allowed April, 1925, when he was paid over \$1,900 arrears of pension.

He states under oath that of this he has disbursed the sum of \$1,891.19 for defraying living expenses, paying for household goods, and wearing apparel for himself and wife, having been married April 4th just prior to the time he received his pension.

The committee recommends an increase of pension to the rate of \$30 per month.

H. R. 9586. Josephine Peck, St. Mary's Academy, Silver City, N. Mex., is the former widow of Henry Lubkeman, late regimental quartermaster sergeant, Twentieth United States Infantry, who served in the Regular Establishment almost continuously from March 25, 1886 to September 26, 1910, when he was retired. (Wid. Ctf. 787332.)

The soldier died March 3, 1912 and his widow to whom he was married November 1, 1910, was pensioned at the rate of \$12 per month under the general law, his death having been accepted as due to service.

Her name was dropped from the roll because of her remarriage June 8, 1915.

Her last husband died in 1919 and her pension was renewed at the rate of \$20 per month April 23, 1923, under the Spanish War pension act of September 1, 1922, the soldier having served during the war with Spain.

She is now 55 years of age and totally blind and has no means of support except her pension. She is an inmate of St. Mary's Academy at Silver City, N. Mex.

The committee recommends an increase of pension to \$30 per month.

H. R. 9589. Mary A. Hogerty, 34 Weller Avenue, Pittsfield, Mass., is the widow of Daniel Hogerty, who served over 30 days in the zone of the Sioux Indian campaign in South Dakota in 1890 and 1891.

The soldier served in Company K, Seventeenth Regiment United States Infantry, from January 22, 1883 to January 21, 1888; in Companies A, C, E, and I, Seventeenth Regiment United States Infantry, from February 26, 1889, to February 25, 1894; and in Company E, Seventeenth Regiment United States Infantry, from March 2, 1894, to June 1, 1897. (I. W. W. Ctf. 11042.)

The claimant is pensioned under the Indian War pension act of March 4, 1917, at the rate of \$12 per month. She was married to the soldier April 26, 1899.

She is 63 years of age.

It is shown by the evidence filed with the bill that she owns no property and that her annual income from all sources is \$288. She was paid \$1,100 back pension October 20, 1924. The witnesses also state that the claimant has no child or relative who contributes to her support.

A physician states that he has treated the claimant for the past five years and that she should not work at all on account of high blood pressure, and heart disease with difficult breathing.

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

H. R. 9671. Michael H. Daly, 158 Exchange Place, Elmira, N. Y., served during the war with Spain in Company F, First Regiment United States Volunteer Engineers, from June 28 to August 5, 1898, when honorably discharged. (Inv. Orig. 1210610.)

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

August 5, 1898, with defective vision, right eye and was discharged from the service August 6, 1898. No additional evidence found on records of the Regiment July, 1898 (earliest on file), to August 6, 1898.

The soldier was discharged upon certificate of disability on account of defective vision of the right eye which his Captain stated existed before enlistment. The surgeon stated the trouble was hypermetropia and possibly a central nerve lesion.

Ten days after discharge the soldier filed a claim for pension alleging defective sight of right eye and disease of lungs and kidneys due to service.

The claim was rejected in February, 1900, as to disease of lungs and kidneys because of no ratable disability and as to defective vision of right eye on the ground that the records showed it existed prior to enlistment.

Another claim was filed February 28, 1925, for same disabilities and also disease of heart. This claim was rejected July 8, 1925, as

to disease of lungs, kidneys, and heart because of no record in the War Department and no evidence showing origin in the service, existence at discharge, or thereafter prior to 1919, and the claim as to defective vision was dismissed as a duplicate of a former claim.

Soldier is 55 years of age and owns a lot worth about \$100, and his income is about \$400 per year and evidence has been filed in support of the bill to the effect that he has been afflicted the last 10 or 15 years with some kidney and heart trouble, catarrh, and varicose veins, and a physician testifies that he has consulted him on different occasions since 1919, and that examinations showed that he was in an emaciated condition and afflicted with cardo-renal insufficiency and nephritis and that he was not in a condition to do manual labor.

Claimant was in the service for a period of 39 days.

A pension of \$12 per month is recommended.

H. R. 9677. Julia Gunderman, 365½ Norton Street, Elmira, N. Y., is the widow of George W. Gunderman, who served in the Regular Establishment in Battery G, Fifth Regiment United States Artillery, from March 5, 1867, to March 5, 1870, when honorably discharged. (Wid. Ctf. 429817.)

The soldier died December 18, 1895, and claimant, who was married to him July 6, 1876, is now pensioned at the rate of \$12 per month, his death having been accepted as due to the service.

She is 73 years of age and has one-third interest in a house and some household goods, all of the value of about \$750, and she has no income, except her pension, and it appears no one contributes to her support.

Medical evidence shows that she has cystitis and other troubles and is unable to do regular home work.

An increase of pension to the rate of \$25 per month is recommended.

H. R. 9683. William B. Roberts, Route No. 2, Alexander, N. C., served in the Regular Establishment in Company D, Seventeenth Regiment United States Infantry, from February 18, 1897 to April 2, 1898, when honorably discharged. (Inv. Orig. 1419800.)

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

Mar 1 to 15, 1897, acute tonsillitis; June 14, to 20, 1897, acute tonsillitis; October 3 to 11, 1897, acute follicular tonsillitis. All the foregoing in the line of duty. No additional record of disability found.

Claim for pension filed May 28, 1915, was rejected February 9, 1917, as follows: Rheumatism and strain of shoulder on the ground of no record in the War Department and inability of soldier to prove origin in the service and continuance since discharge; tonsillitis on the ground of his inability to show continuance since discharge and all said disabilities on the further ground of no ratable disability. Claim for catarrh was rejected because soldier could not prove origin in service and continuance thereafter.

Some evidence of a general character was filed tending to show tonsillitis and rheumatism from discharge, but is very vague and indefinite and does not amount to proof.

Medical evidence filed in 1915 shows catarrh and rheumatism, for about three years prior to that time.

Claimant is now 51 years of age and has a farm of 28 acres worth about \$1,800 and his income is about \$300 per year.

Two former affiants again testify in a general way as to prior soundness and as to rheumatism, catarrh, and tonsillitis since discharge and a physician testifies as to same for a number of years past. Has treated him for about 20 years.

Medical examinations made in October, 1916, and May, 1916 showed some catarrh and affection of tonsils.

As there is a record of repeated treatment in the service for tonsillitis and the evidence on file as to same, it is believed that soldier has some disability due to service and recommends allowance of a pension of \$8 per month.

H. R. 9712. Charley Shelton, Cruise, Ky. (Inv. Ctf. 1181644.)

The claimant was granted a pension of \$12 per month by a special act of Congress approved June 5, 1920. Said action was based upon the following report:—

S. 5532. Charley Shelton, Carico, Ky., served in the Regular Establishment in Eighty-second Company, United States Coast Artillery Corps, from September 18, 1911, to September 17, 1914, when honorably discharged. (I. O. 1417201.)

The records of the War Department show that he sustained serious injuries resulting from a fall down a flight of stairs, held due to line of duty.

He filed a claim for pension in November, 1914, a month or two after his discharge, based upon injury of both wrists resulting from the fall in the service, and disease of heart and catarrh of throat, head, and nose, which he claimed were contracted in the service.

The claim was rejected on the ground of no ratable degree of disability from any of the alleged causes.

He filed claim so soon after his discharge that he filed no testimony in support thereof, but relied upon the records to establish the claim.

The only board of surgeons which ever examined him reported that he suffered from injuries to wrists and gave a small rating therefore. They also gave rating of \$6 for catarrh and \$4 for disease of heart, and stated there was no evidence of vicious habits.

The following testimony is filed with the bill:

Personally appeared before me, a notary public in and for Jackson County, Ky., Charley Shelton, and after being duly sworn states on oath that he is the same Charley Shelton that enlisted in the United States Army on the 18th day of September, 1911, and that he served as corporal of the Eighty-second Company, Coast Artillery Corps, and he further states that while in the service of the United States and in the line of duty he contracted disease of the heart, disease of catarrh of the nose and throat, and hemorrhage of the nose, and injury of both wrists; and he also states that the above-named diseases have continued to grow worse since discharged, and at present render him totally disabled to perform any manual labor.

The affiant further states that he is 25 years of age and that he is the owner of one cow and one horse, worth about \$150, and has no real estate or any other means of support.

CHARLEY SHELTON.

Subscribed and sworn to before me, a notary public for the county of Jackson, and State of Kentucky, this December 10, 1918.

[SEAL]

LEWIS CUNAGIN.

My commission expires March 1, 1922.

PARROT, JACKSON COUNTY, KY.

Personally appeared before me, a notary public for and in the county of Jackson, State of Kentucky, Robert Lear, of Carico, Ky., and John Summers, of Carico, Ky.

After being duly sworn state on oath that they are personally acquainted with Corpl. Charley Shelton and have known him for about 20 years, and knew him before his enlistment in the United States Army, and that he was always counted the strongest man in the neighborhood, and since his discharge from the service he has always been sick and complaining; and the affiants further state that the

said Charley Shelton has no real estate and only has one mule and one cow, worth \$150, and has no income except by what little management he can do; and further state that neither of them has any interest in the prosecution of his claim for pension, direct or indirect.

This given under our hands this 12th day of December, 1918.

ROBERT LEAR.  
JOHN SUMMERS.

The above affiants are well known by me and are worthy of credit and belief. Subscribed and sworn to on this the 12th December, 1918.

LEWIS CUNAGIN, *Notary Public.*

STATE OF KENTUCKY,  
*County of Jackson, ss:*

In the pension claim of Charley Shelton, Company Eighty-two, United States Coast Artillery, personally came before me, a notary public in and for the aforesaid State and county, G. C. Goodman, M. D., of Welchburg, Ky., well known to me to be reputable and entitled to credit and states as follows:

This is to certify that I have this day examined Charley Shelton and find him to be suffering with the following-named disabilities: Disease of heart, nasopharyngeal catarrh, slight deafness of both ears, and a weakened condition, i. e., some loss of power of both wrists. All of which is permanent in character. All of which incapacitates this claimant from earning his support by manual labor. I am not related to claimant and have no interest in this claim. This given under my hand this 10th day of December, 1918.

G. C. GOODMAN, M. D.

Subscribed and sworn to before me in due form on this the 10th day of December, 1918.

LEWIS CUNAGIN, *Notary Public.*

My commission expires March 1, 1922.

Your committee report the bill favorably with recommendation for pension of \$12 a month.

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

The medical record shows him treated in the service from January 25 to March 22, 1912, for bleeding of the nose; from August 11 to 17, 1913, for severe sprains of the hands accidentally received by falling down stairs; and for three days in June, 1914, from exhaustion due to working in a confined space unloading projectiles.

The claimant is 36 years of age and married.

It is shown by the evidence that he owns 10 acres of land valued at \$300, and that he has no income other than his pension.

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

I have known Charley Shelton for two or three years, whose pension certificate number is 1181644. I have observed him clearly for less than one year. He has nasopharyngitis and rhinitis. Pulse 80—after exercise 120. Breathing 20; has shortness of breath; heart, no murmurs, no enlargement, but is rapid after exertion. Tongue coated; complains of indigestion; right hand and forearm swollen and complains of pain on motion. Has deformity of right wrist, claims as result of an injury in service. Has had infection of right forearm and wrist recently, making his right forearm not able to do any work. He claims he has had this trouble since service. Right wrist partially ankylosed and left wrist partially ankylosed, he claims from injury during service. He is at present 75 per cent disabled by reason of infection in right arm and hand and from injury to right hand and wrist, and soreness and partial ankylosis in left hand and wrist. He is three-fourths disabled for manual labor at present.

Witnesses state that claimant is 75 per cent incapacitated.

It is believed that the infection of claimant's right forearm is not due to his service; however, it is believed that the ankylosed condition of both wrists is due to his military service, and an increase of pension to the rate of \$17 per month is recommended.

H. R. 9741. Nathaniel M. Gregg, Richey, Mont., served in the regular establishment under the name of John Tammos in Company F, Thirteenth Regiment United States Infantry, from October 3, 1871, to October 3, 1876, when honorably discharged. (Inv. Orig. 729085.)

The records of the War Department show treatment in service for acute diarrhea only.

A claim for pension filed September 18, 1889, was rejected in 1924, on the ground of no record of alleged bronchitis, lung trouble, and rheumatism and no medical or other evidence showing origin in service, and evidence as to continuance since is vague and indefinite and does not amount to proof.

Soldier is 74 years of age and is married, owns a house and lot worth about \$800 and a farm worth about \$2,000, which is mortgaged for \$1,000, and his annual income is about \$200.

He also has household goods worth about \$500, and medical evidence shows that he is physically incapacitated for labor of any kind.

Under date of March 9, 1926, The Adjutant General, United States Army, advised the member who introduced the bill as follows with reference to the soldier:

The records show that from August 17 to September 7, 1872, the soldier's company was in the field in Utah in pursuit of hostile Indians, but that during that period this soldier remained at Camp Douglas, Utah, in charge of quarters.

It does not appear that this soldier served 30 days in any of the campaigns named in the pension act of March 4, 1917, but it does appear that while in Utah in 1872 he was within the zone of active Indian hostilities from August 17 to September 7, which was less than 30 days.

Identity of claimant as soldier appears to be established by comparison of signature with tracing furnished by the War Department and testimony of persons who state they corresponded with him while he was in the service.

In view of the report of The Adjutant General showing a service of at least 22 days in the zone of active Indian hostilities, the committee recommends that he be granted a pension of \$20 per month.

H. R. 9749. Alex Goins, Manchester, Ky., served in the Regular Establishment in Company M, Twenty-third Regiment United States Infantry, from December 10, 1910, to December 9, 1913, when honorably discharged. (Inv. Orig. 1448674.)

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

In March, 1921, soldier applied for pension, alleging that he had contracted disease of stomach in the service.

The claim was rejected July 23, 1925, on the ground of no record of disease alleged in the service and no medical or other satisfactory evidence showing same and claimant's manifest inability to establish the claim.

Several witnesses testified in claim to existence of disease of stomach in the service and complaints of same since discharge.

A physician testified he examined soldier in April, 1914, and found he had said disease and another physician testified that he had same in June, 1925.

Claimant is 36 years of age and married and he states he owns a house and 2 acres of land worth \$100 and that his annual income is \$75, and witnesses corroborate his statement as to property and state his income is what little he can earn by labor.

The witnesses also testify to prior soundness and that his health has not been good since the service.

A physician also testifies to prior soundness and to treatment of soldier in latter part of 1913 for indigestion and rheumatism and at different times since for same, and states that he has been 25 per cent disabled by these diseases.

A board of surgeons in November, 1921, gave him a rating of \$12 per month for disease of stomach and \$4 for disease of rectum and piles.

The only disease in any way shown due to service is the stomach trouble, and it is recommended that he be granted a pension of \$12 per month.

H. R. 9777. Charles Allen, Hammersville, Ohio, is the helpless and dependent child of Oliver P. Allen, who served during the Mexican War in Company G, First Regiment Ohio Infantry, from June 5, 1846, to June 14, 1847, when honorably discharged. (Mexican War Cert. 13186.)

The soldier was pensioned under the act of January 29, 1887. He died March 1, 1915, and left no widow, his wife being dead. Reimbursement was allowed for expenses of last sickness and burial.

The evidence shows that claimant is his son and that he has been mentally deficient since birth; in fact, is an imbecile.

The soldier so stated in his marriage circular and it is also shown by the evidence.

He is 57 years of age and has no property and is living with and being cared for by a sister Mrs. Ella Smith, who makes the application for him.

The committee recommends that he be granted a pension of \$20 per month.

H. R. 9810. Minnie A. Meyer, Francesville, Ind., is the widow of Henry Meyer, who served under the name of Henry Morn, in the Regular Establishment in Company F, Ninth Regiment United States Infantry, from September 12, 1879, to June 9, 1880, when honorably discharged. (Wid. Orig. 1237917.)

The soldier was pensioned at the rate of \$8 per month for varicose veins of left leg. He died September 21, 1925, of disease of heart and prostatitis, and the widow's claim has been rejected because death was not shown due to his military service.

Claimant was married to the soldier August 18, 1883, and evidence shows that they lived together until his death and raised a large family of children.

The widow is 61 years of age and owns a farm of 80 acres worth from \$3,000 to \$3,500 and mortgaged for \$2,500, and about \$200 worth of personalty and her income is about \$200 or \$300 per year and her sons live near and help in farm management and work. Medical evidence shows that she was paralyzed in right side in 1925, and is not able to work. Her daughters do housework for her. Legal widowhood has been established.

The Adjutant General, United States Army, under date of March 13, 1926, advises the committee as follows relative to the soldier's service:

This soldier was with his command in the field near Rawlins from October 14 to November 3, 1879, and thence to the date of his discharge on escort duty in connection with wagon trains en route to the White River Ute Agency, Colo. It does not appear that he entered Colorado or Utah within the period of his service.

Nothing has been found of record to show that this soldier served in any of the Indian campaigns named in the pension act of March 4, 1917, or in connection with any other active Indian hostilities, unless it should be considered that while on the above-mentioned duty he served remotely in connection with the Ute campaign in 1879-1880 in Colorado and Utah, which lasted from October 20, 1879, to November 30, 1880. The act of March 4, 1917, describes that campaign as a campaign in Colorado and Utah within the period of that campaign, this department can not hold that he served in the zone thereof.

In view of this the committee believes soldier may properly be regarded as having been an Indian-war soldier.

The committee recommends that claimant be granted a pension of \$12 per month.

H. R. 9814. James L. McElroy, box 812, Center Point, Tex., served during certain Indian wars in Capt. G. W. Arrington's Company C, Texas Frontier Battalion. (I. W. S. Orig. 20975.)

A report furnished by the Comptroller General of the United States shows soldier's service as follows:

In reply you are advised that the records of this office show that James L. or J. L. McElroy, private in Capt. G. W. Arrington's Company C, Texas Frontier Battalion, served in said organization from August 10, 1879, to August 31, 1880, when he was honorably discharged.

He was paid for a service of 12 months and 20 days by the State of Texas. The State of Texas has been reimbursed by the United States for services rendered by the soldier from August 10 to December 22, 1879—4 months and 14 days. Pay was disallowed by the United States for his services from December 23 to December 31, 1879—8 days. In this connection the abstract of disbursements of the State of Texas shows that Captain Arrington's detachment of Company C has no service from December 23 to 31, 1879—8 days.

The State of Texas has also been reimbursed by the United States for the soldier's services rendered from January 1 to June 28, 1880—5 months and 28 days. Pay was disallowed by the United States for his services from June 29 to August 31, 1880—2 months and 2 days.

The adjutant general of the State of Texas has reported as follows:

1. In compliance with your favor of the 12th instant, J. L. McElroy enlisted in Company C, Capt. G. W. Arrington, commanding (Frontier Battalion), on August 10, 1879, serving as private until August 31, 1880, according to the records of this department.

2. The monthly returns of this organization show this service to have been largely in aiding the civil authorities of Texas at that time more detailed service of which consisted of guarding prisoners, making arrests, rounding up cattle and horse thieves, etc. Occasional scouts were also made, making long marches upon reports of Indians being in the country, though no actual Indian fighting seemed to have taken place.

His claim under the Indian war pension act of March 4, 1917, was rejected because his service was rendered in Texas subsequent to the year 1877.

The claimant is 69 years of age and owns his home worth about \$2,500, and he states he has no income and a witness testifies that he is dependent upon his family. He has a wife and several children, one under 16 years of age.

A physician testifies that he has had a physical and nervous breakdown and that he is wholly disabled for any kind of work.

James B. Gibson who served in the same company was granted a pension by special act in the Sixty-seventh Congress.

In view of the record evidence of service as given above, it is recommended that soldier be granted a pension of \$20 per month.

H. R. 9816. Mary Evelyn Wise, Newton, Iowa, is the widow of Jeremiah Wise, who served during certain Indian wars in Company F, Nineteenth Kansas Cavalry, from October 23, 1868, to April 18, 1869, when honorably discharged. (I. W. W. Ctf. 9192.)

The claimant is pensioned under the Indian war pension act of March 4, 1917, at the rate of \$12 per month.

She is 62 years of age and was married to the soldier December 28, 1879.

It is shown by the evidence filed with the bill that she owns a small house valued at \$3,500 and that she has no income other than her pension. The witnesses also state that she has no child or relative who contribute to her support.

A physician states that she is subject to heart attacks which seriously interferes with her caring for herself.

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

H. R. 9849. Jesse R. Latham, Georgiana, Ala., served during the war with Spain in Companies E and B, Second Regiment Alabama Infantry, from May 15 to August 9, 1898, when honorably discharged. Also served in Company K, First Regiment Alabama Infantry, from June 29, 1916 to July 11, 1916, when honorably discharged. (Inv. Orig. 1285792.)

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

June 19 to 25, 1898, external hemorrhoids, in line of duty; also shown not in line of duty, contracted prior to enlistment; July 1 to 6, 1898, internal piles, in line of duty; July 1 to 3, 1898, hemorrhoids external, existing before enlistment, not in line of duty; improved; August 1 to 12, 1898, epilepsy, existed prior to enlistment, not in line of duty; discharged on surgeon's certificate of disability, cause of discharge, epilepsy; degree of disability, complete. No additional record of disability found.

Soldier was discharged upon certificate of disability on account of piles and neurasthenia, existing prior to enlistment.

Claims under the general law for piles and operation for same have been rejected because soldier could not connect any existing disability with his military service.

A claim under the Spanish war pension act of June 5, 1920, has been rejected because of insufficient service.

Soldier is 48 years of age, and unmarried, and has no property or income, a witness stating he had to give up his position in July 1924, and that he is now living upon the kindness of his friends.

Evidence shows that he is badly afflicted with piles and bowel trouble and is unable to do manual labor.

There has been no official medical examination made since 1903.

This soldier, in December, 1925, was in the United States Veterans' Hospital at Algiers, Ala., and a report from said hospital showed that he then had chronic bronchitis, a severe heart disease and other troubles, but he was not bedridden and that he was able to travel.

This soldier had a service of 87 days, lacking only three days of time required by the act of June 5, 1920, and it is therefore, recommended that he be granted a pension of \$17 per month.

H. R. 9906. William J. Phillips, 444 John Street, East Newark, N. J., served in the Regular Establishment in Troop H, Seventh Regiment United States Cavalry, from September 18, 1903, to January 15, 1905, and in Troop H, Third Regiment United States Cavalry, from January 16, 1905, to January 17, 1908, when honorably discharged. (I. O. 1426124.)

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

January 25 to 27, 1904, indigestion, acute intestinal, in line of duty; February 14 to 17, 1904, diarrhea, acute, in line of duty; June 17 to 23 and June 27 to July 10, 1904, chaneroids on frenum of penis, not in line of duty; June 18 to July 1, 1906, chaneroid on glans penis, not in line of duty; July 12 to August 14, 1906, syphilis, secondary; macular syphilides over entire body, general glandular involvement, not in line of duty. No additional record of disability found.

Soldier filed a claim for pension January 8, 1917, alleging that while in service in the Philippines he contracted mercury poisoning, causing loss of sight. In an affidavit filed in May, 1917, he stated that his left eye bothered him about four months before his discharge and his right eye about a year after discharge. In an affidavit signed evidently for him he attributed the loss of his sight to syphilis, which he stated he contracted from a drinking cup in the barracks.

The claim was rejected July 14, 1920, on the ground that there was no record of the alleged disease of eyes in the War Department, no medical or other evidence showing origin in the service or existence at discharge and the claimant was manifestly unable to connect disability with service.

No evidence was ever filed in support of the claim.

In an opinion dated August 16, 1918, the medical referee of the Bureau of Pensions stated as follows:

Ratable disability is described from disease of eyes. While there are now no apparent evidences of constitutional syphilis, the eye trouble is of such a nature as frequently results from that disease. This man claims that the disease of eyes originated in 1907, but there is neither record nor evidence of any disease of eyes prior to the date of official expert medical examination in August, 1917.

The present eye trouble—atrophy of the optic nerve—is not due to mercurial poisoning as alleged nor is it a manifestation of the secondary syphilis of record. In the absence, therefore, of evidence of origin and continuance no positive opinion as to the cause of the eye trouble can be given at this time.

A specialist who examined soldier August 20, 1917, stated that with a history of chancre, syphilis was the most probable cause of soldier's blindness.

Another surgeon stated June 24, 1918, that Wassermann reaction was negative. Medical and other evidence shows that soldier was sound and in good health prior to his enlistment.

He is 43 years of age and has neither property nor income and he is now blind, and testimony filed in support of this bill shows that he has had some eye trouble since about 1911.

In the Sixty-seventh Congress the committee recommended that soldier be granted a pension of \$12 per month, he being blind, but the item was stricken out in the Senate because according to the record the soldier contracted the syphilis in the usual way rather than from infection from a drinking cup.

Your committee recommends that the claimant be granted a pension of \$12 per month.

H. R. 9920. James M. Bush, Mead, Okla., served during the war with Spain in Company E, First Regiment Texas Infantry, from June 18 to September 14, 1898, when honorably discharged. (Inv. Orig. 1314895.)

The records of the War Department show treatment in service as follows: July 28 and 29, 1898, strain of right knee, slight, in line of duty. No additional record of disability found.

Claim filed in May, 1904, based on disease of left leg was rejected October 9, 1911, on the ground of no ratable disability. Another claim was filed in July, 1915, for same disease and diarrhoea, but its prosecution appears to have been abandoned.

Claim under the Spanish War pension act of June 5, 1920, has been rejected because of insufficient service.

Soldier is 54 years of age and has no property, and he states his annual income is about \$600, although his witnesses state they know of no income that he has.

Claimant appears to be married.

Evidence shows that he has trouble with his left leg and is not able to do full work.

A physician testifies as follows:

I have lived in Durant, Okla., for 20 years and have known James M. Bush for about 14 years. Have practiced medicine in Bryan County for about 20 years and have been the family physician of James M. Bush for several years and know that he has been physically disabled to do manual labor ever since I first met him. His disability has been due to tuberculosis of bone in left leg involving knee.

I have treated him on several occasions for minor troubles, but the disability in left knee is permanent and has existed for a number of years.

The soldier had 89 days' service, lacking only one day of the required 90, and appears to be somewhat disabled, and it is recommended that he be granted a pension of \$18 per month.

H. R. 9926. Alfred Blevins, Tangent, Oreg., served during certain Indian wars in Capt. Jonathan Keeney's Company C, Second Regiment Oregon Mounted Infantry, from October 20, 1855, to February 1, 1856, when honorably discharged. (I. W. S. Ctf. 4517.)

The soldier is pensioned at the rate of \$20 per month under the Indian War pension acts.

He is 88 years of age and married.

It is shown by the evidence filed with the bill that he owns a farm of 160 acres of land valued at \$8,000, upon which there is a mortgage of \$4,000; and that his annual income from all sources does not exceed \$350 after paying taxes and interest accruing on mortgage.

Witnesses state that the claimant lives on this farm with his invalid wife and that his income is insufficient to maintain them.

A physician states that the claimant by reason of heart trouble and general physical condition incident to old age is wholly incapacitated to perform any manual labor.

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

H. R. 9983. James Devlin, National Military Home, Ohio, served during certain Indian wars in Company I, Fourth Regiment United States Infantry, from April 5, 1872, to April 5, 1877, when honorably discharged. (I. W. S. Ctf. 6801.)

The soldier is now pensioned at the rate of \$20 per month under the Indian War pension act of March 4, 1917.

He is 75 years of age and has no property or income other than his pension, and from age, heart disease, lumbago, and other causes is almost wholly disabled for manual labor. His wife is dead.

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

H. R. 10030. Floyd Colwell, Saylor, Ky., served in the Regular Establishment in the One-hundred and fourth Company United States Coast Artillery Corps, from July 21, 1906, to November 22, 1911, when he was discharged without honor. (Inv. Orig. 1401107.)

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

December 14 to 16, 1906, malarial fever, remittent tertian, nonmalignant, in line of duty; December 25 and 26, 1906, constipation, acute, in line of duty; December 30, 1906, to January 1, 1907, furuncle, acute, palmar surface right thumb, in line of duty; June 8 to 10, 1907, malarial fever, acute, intermittent tertian, benign tertian, in line of duty; July 1 to 6, 1907, contusion, acute, distal portion second finger, left, received while playing ball at post, June 30, 1907, in line of duty; October 2 to 9, 1907, and December 14, 1907, to February 8, 1908, convulsions believed from description to have been epileptic occurred just before admission and was kept in hospital under observation but has had no recurrence, in line of duty; May 7 to 18, 1908, convulsions believed from description to have been epileptic, recommended for discharge on S. C. D., for epilepsy, in line of duty; May 19 to August 26, 1908, convulsions believed from description to have been epileptic, recommended for S. C. D., for epilepsy, in line of duty; August 26, 1908, changed to "not in line of duty," on soldier's statement that he had similar attacks prior to enlistment; January 8 and 9, 1911, convulsions thought to be epileptic, not seen by a medical officer, soldier states attacks was caused by alcohol, not in line of duty; August 28 to September 7, 1911, malarial fever, tertian, nonmalignant, in line of duty; September 16 to October 24 and October 25 to November 22, 1911, epilepsy, disease existed prior to his entering the service, soldier's statement, not in line of duty; discharged November 22, 1911, on S. C. D., on account of epilepsy, gand mal. existed prior to enlistment, not in line of duty. Degree of disability, one-fourth. Left depot November 23, 1911. No additional record of disability found.

The Adjutant General, United States Army, states that the records show that this soldier was discharged without honor by reason of having enlisted under false pretenses. "It appears from his own statement that he had during all of his life been subject to attacks of epilepsy which fact he concealed at the time of his enlistment."

In January, 1912, soldier filed a claim for pension for epilepsy, malaria, and injury of left middle finger, which was rejected in July, 1922, on the ground that the records showed epilepsy existed prior to enlistment and there was no disability from malaria or injury of finger.

No testimony was filed in the Pension Bureau in support of the claim.

Soldier is 30 years of age and has no property or income as shown by the evidence.

Two witnesses testify in support of the bill as to prior soundness and to existence of epilepsy and some stomach and other trouble since discharge, and a physician testifies:

I have treated the soldier since date of his discharge at different times since November 22, 1916. I found him with epilepsy fits, stomach and other trouble. I have always found him in bad shape.

Estimates disabilities at three-fourths.

In May, 1922, a board of surgeons gave soldier a rating of 6/18 for malarial and 4/18 for injury of left hand.

Soldier's epilepsy existed prior to enlistment, but in view of the record of treatment for injured finger and malarial in service, it is recommended that soldier be granted a pension of \$12 per month.

H. R. 10037. William H. Sticksell, 1534 Denman Street, Cincinnati, Ohio, served during the War with Spain in Company K, First Regiment Ohio Infantry, from August 9 to October 25, 1898, when honorably discharged. (Inv. Orig. 1426147.)

In 1917 soldier filed a claim under the general law alleging rheumatism contracted in the service, but no evidence was ever filed in support of the claim.

A claim under the act of June 5, 1920, was rejected January 19, 1926, because of insufficient service.

Soldier is 46 years of age and a widower and has no property, but states he has an income of about \$700 per year, and a physician states he is about one-half disabled; has treated him for appendicitis and rheumatism.

Claimant had only 78 days' service, and a month of this he was on furlough.

A pension of \$12 per month is recommended.

H. R. 10071. Eugene B. Russell, United States Veterans' Hospital, North Little Rock, Ark., served in the regular establishment in the United States Navy, from August 10, 1922, to March 10, 1923, when honorably discharged on account of disability. (Inv. Orig. 1501309.)

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

United States Naval Training Station, San Francisco, Calif.: September 1, 1922, admitted with "No disease." (Hookworm suspect.) Origin not in line of duty, not due to own misconduct. Placed under observation as possible harboring hookworm, because appeared lazy, tired easily, and was unable to move off promptly with his company. Physical examination negative. September 6, 1922, discharged to duty.

United States Naval Training Station, San Francisco, Calif.: October 9, 1922, admitted with "Diagnosis undetermined." Origin, duty. In line of duty. Upon arrival at this station from recruiting station patient passed unusually high mental test and seemed to be in good physical condition. Lungs and heart negative. He was sent to sick bay by his company commander, who complains that Russell was unable to do his work, played out too quickly, and was unable to comprehend and execute simple orders. A careful inquiry into his physical and mental condition has failed to reveal any basis for his trouble. November 3, 1922, to naval hospital for treatment.

United States Naval Hospital, Mare Island, Calif.: November 3, 1922, readmitted with "Diagnosis undetermined." Origin in line of duty. Not due to own misconduct. Patient looks sleepy and moves about ward very slowly. December 1, 1922, continues unimproved.

A board of medical survey of January 4, 1923, states:

Diagnosis: Constitutional inferiority (mental). Origin, not in line of duty. Disability, not the result of own misconduct.

Facts are as follows: Article 1196a complied with. No statement. Condition existed prior to enlistment. This man is unable to perform his duties in the Navy on account of inability to understand and act efficiently. He is very slow and says he feels sleepy. He has gained 25 pounds weight in past six months. He is in good general physical health. He is not a menace and requests that he be discharged. Disability for the naval service, 100 per cent; for civil life none. Present condition, unfit for service. Probable future duration, permanent.

Recommendation: That he be discharged from the United States naval service. Enlisted subsequent to February 9, 1922. This man has been informed of his status and desires discharge. January 4, 1923, diagnosis changed to "Constitutional inferiority." Origin not duty, not misconduct. January 10, 1923, discharged from the service in accordance with recommendation of board of medical survey. Condition good.

No physical defects noted at enlistment.

Sailor filed a claim for pension May 13, 1924, alleging dementia præcox as due to service, and the claim was rejected July 17, 1924, on the ground that the disability was not incurred in service but existed prior to enlistment, as shown by the records, and this action was affirmed on appeal January 9, 1925, the decision being as follows:

The claimant in this case enlisted in the above-named organization August 10, 1922, and was discharged March 10, 1923, on account of disability. On September 1, 1922, less than three weeks after enlistment, he was placed under observation as a hookworm suspect. The physical examination was negative, and he was discharged to duty six days later. From October 6 to November 3, 1922, he was again under observation, diagnosis undetermined, and he was sent to the naval hospital, Mare Island, Calif., for treatment. The board of medical survey on January 4, 1923, stated in part: Diagnosis was constitutional inferiority (mental). Condition existed prior to enlistment. Disability for naval service, 100 per cent, with recommendation for discharge, and he was discharged as noted above.

On May 13, 1924, the appellant filed claim for pension under the general law, based upon dementia præcox as of service origin. The claim was rejected by the Bureau of Pensions July 17, 1924, on the ground that the alleged disability was not incurred in the naval service but existed prior to enlistment. From the rejection the claimant entered an appeal October 4, 1924, contending erroneous action.

The disability for which the sailor was discharged and of record in the Navy Department is variously referred to in the evidence on file as mental deterioration, constitutional inferiority, and dementia præcox, and must be accepted as synonymous, all relating to the same mental disease from which the applicant was suffering. The record sets forth clearly that the ailment which was manifested almost immediately after his entrance into the naval service, existed prior to his enlistment. When medically examined under the claim, his pulse, respiration, and temperature were normal and his general physical condition was good. Mentally the patient was abnormal. His conduct and actions showed a marked præcox reaction and he appeared to be of the simple dementing type of dementia præcox.

The character of the disability is such as to preclude the acceptance of same as having originated during the short period of his service.

The department concludes that there was no error in the rejection complained of, and the action is accordingly affirmed.

The sailor states that about three weeks after enlisting he began to feel drowsy; and while he was examined, the doctors could not determine the cause of his trouble, and that he was not in any way disabled prior to his enlistment.

Since rejection the affidavits of several persons were filed, all of whom testified that sailor was in good health before his enlistment, and one of them for whom he worked stated that he showed no signs of being nervous or unhealthy. Reopening of the claim, however, was denied by the Pension Bureau.

Sailor is 25 years of age, unmarried, and has no property or income as shown by the evidence.

There has been filed in support of the bill the affidavit of sailor's sister, who testifies that after the death of his mother the sailor made his home with her and that he had always been a normal boy.

There have also been filed the affidavits of two additional witnesses, who testify that prior to service sailor was working for the Texas Creamery Co. and that there was no evidence of nervous or mental

disability noticeable. The witnesses also testify to condition since discharge.

A report from the Veterans' Bureau at Little Rock, Ark., dated November 19, 1925, shows that August 14, 1925, a diagnosis of encephalitis, postlethargic, Parkinson syndrome, was made, with a note that the diagnosis of constitutional psychopathic inferiority was not concurred in. When the report was made, the sailor was totally incompetent to care for himself.

A physician testifies as follows:

That he is a practicing physician, and has been acquainted with the above-named sailor for about one year, and that while in the United States Navy he had influenza which was followed by lethargic encephalitis. He was discharged as a case of dementia præcox, which disease is stated to have existed prior to enlistment. Since coming to this hospital he has shown a very definite case of lethargic encephalitis (affection of brain with drowsiness), shown by mask-like face, pill-rolling tremor of fingers; position of body is that of Parkinson disease. The right pupil is larger than the left. All deep reflexes are increased. His gait is hesitating. All movements are slow and awkward. He has bulbar involvement, shown by spasticity of the jaw muscles and tremors of the head. He is almost entirely helpless and has to be fed because of his loss of muscular control. There are no mental symptoms at all. He is alert and clean mentally and shows no evidence of dementia præcox or other mental disease. Since coming to this hospital he has grown steadily worse and at present is almost entirely helpless, requiring aid to dress and eat. His case is hopeless and he will steadily grow worse until he dies.

From a review of all the evidence in this case there appears to be some doubt as to the nature of this sailor's trouble and as to whether it is due to causes existing prior to enlistment, and your committee therefore recommends that he be granted a pension of \$12 per month.

H. R. 10104. James Truka, now known as James H. Connely, Lewiston, Mont., served during certain Indian wars in Troop M, Second United States Cavalry, from October 27, 1866, to October 27, 1869, and in Troops K and M, Second United States Cavalry, from December 13, 1869, to October 22, 1879, when honorably discharged. (I. W. S. Ctf. 9670.)

In April, 1925, soldier filed a claim for pension under the general law, which has been rejected because he could not connect any disability with his military service.

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

He is 80 years of age and has no property and no income except his pension; and in March, 1925, he had a cerebral hemorrhage, and is still afflicted with paralysis of left side as a result and is wholly disabled.

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

H. R. 10134. Laurence Bendixen, United States Soldiers' Home, Washington, D. C., served in the regular establishment in Company K, Eleventh Regiment United States Infantry, from August 18, 1884, to August 17, 1889, and in Company C, Eleventh Regiment United States Infantry, from September 16, 1889, to December 15, 1892, when honorably discharged. (Inv. Orig. 1430593.)

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

August 21 and 24, 1884, toothache, cured; March 28 to April 1, 1885, acute diarrhea, cured; May 5 to 10, 1888, quotidian intermittent fever, cured; July

31 to August 1, 1889, bee sting left cheek, cured; January 2 to 8, 1890, acute catarrh epidemic, cured; February 10 to May 10, 1890; acute bronchial catarrh, cured; July 23 and 24, 1890, facial neuralgia from various teeth, cured. December 15 to 19, 1891, eczema, fingers of both hands, cure incomplete; January 31 to February 6, 1892, influenza, cured; June 30 to July 3, 1892, heat prostration, weak heart action and general debility.

All the foregoing in line of duty.

No additional record of disability found.

A claim for pension filed by soldier April 12, 1918, was rejected in March, 1925, as to disease of eyes, alleged as result of erysipelas, on the ground of no record and claimant was unable to connect same with his military service, and as to dizziness or fainting spells on the ground of no disability.

Another claim filed March 12, 1925, was rejected in November, 1925, on the ground of no record of alleged heart disease and fainting spells and inability of claimant to connect same with his service, and fainting spells on the further ground of no ratable disability.

Another claim based on eczema was rejected later on the ground of no disability.

In this case the records show treatment of soldier in the service June 30 to July 3, 1892, for heat prostration, weak heart action, and general debility.

A witness, Mrs. Norma Williams, testifies that in February, 1894, the soldier was employed by her husband in his bakery but after working a few weeks he complained of pains in his heart and that after four months he broke down and had to resign his place. Another witness testified to heart trouble in 1907.

Dr. C. W. Andrews, of Waupaca, Wis., testified in April, 1925, that soldier had been suffering with angina pectoris and that he had been called to see him at various times from 1916 to 1919, and that his general health was also impaired.

Dr. A. M. Christofferson, of Waupaca, Wis., testified in February, 1925, that the soldier had been treated by him for heart trouble at various times during the past six years. The existence of heart disease in 1924 is also shown by the records of the National Home, Wisconsin, and of the United States Soldiers' Home.

April 16, 1925, a board of surgeons gave the soldier a rating of 17/18 for disease of heart. Another board in January, 1926, stated as follows as to disease of heart:

Apex in fifth space 1 to right nipple line, normal in size and position; sounds feeble and distant and irregular; has slight dyspnea after exercise; no cyanosis; no edema.

Soldier is 66 years of age and has no property and he states his income is \$180 per year.

A physician testifies that he examined soldier March 3, 1926, and found cardiac hypertrophy and pains in right side said to be due to fractured ribs and also failing vision and stated he was unfit to perform ordinary work.

In view of this soldier's long service, the record of heat exhaustion and weak heart action and the evidence showing existence of heart disease at different times since discharge, the committee believes he should be given the benefit of all doubt and recommends that he be granted a small pension of \$12 per month.

H. R. 10183. Jane Herr, 1232 Water Street SW., Washington, D. C., is the widow of John C. Herr, who served during certain Indian wars, in Troops I and M, Seventh Regiment United States Cavalry, from May 30, 1876, to April 5, 1880, when honorably discharged. He also had a service in the Regular Army from October 6, 1870, to October 6, 1875, and subsequent service from January 1, 1884, to July 27, 1894, when honorably discharged. (I. W. W. Ctf. 10323.)

Claimant is now pensioned under the Indian war pension act of March 4, 1917, at the rate of \$12 per month.

She was married to the soldier January 19, 1893, and he died October 4, 1894. She is 74 years of age and has no property or income except her pension, as shown by the evidence, and she has a daughter who is employed as a hatrack girl in a hotel.

A physician testifies that she has a hernia, defective sight, and heart disease and is wholly disabled for manual labor.

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

H. R. 10228. Francis S. Torback, United States Soldiers' Home, Washington, D. C., served for over 30 days in the campaign against the Northern Cheyenne and Sioux Indians in Troops I and B, Fifth Regiment United States Cavalry, from August 22, 1876, to August 21, 1881. He also served in Company I, Nineteenth Regiment United States Infantry, from January 11, 1882, to January 10, 1887, and in Company E, Sixteenth Regiment United States Infantry, from May 2, 1887, to May 19, 1890. He was honorably discharged from all services. (I. W. S. Ctf. 7201.)

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

The claimant will be 80 years of age in April, 1926.

It is shown by the evidence filed with the bill that he owns no property and has no income other than his pension. Claimant was helped into the committee room by the secretary of the Member who introduced this bill. He is a good-natured old man and produced money-order receipts showing that he forwards a good part of his pension to his wife in Baltimore, Md.

A physician states that the claimant is suffering from senility, also cataracts of both eyes with very little vision.

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

H. R. 10259. Daisy W. Lyman, 64 Cottage Street, Buffalo, N. Y., is the widow of Morris B. Lyman, who served in the Regular Establishment in Company A, Twenty-second Regiment United States Infantry, and Company B, Seventh United States Infantry, from April 19, 1904, to April 18, 1907, when honorably discharged. (Wid. Ctf. 911515.)

The claimant was married to the soldier June 9, 1907, and he died August 11, 1921, and his death has been accepted as due to his military service.

The claimant is pensioned at the rate of \$12 per month with \$2 per month additional for each of two children under 16 years of age.

She is 42 years of age and has no property or income other than her pension, and medical evidence shows that while she has no particular disability she is not robust and is enduring considerable hardship in maintaining herself. She has two children under 16 years of

age. Soldier's death was due to his service, and the committee recommends that his widow's pension be increased to the rate of \$20 per month, with \$2 per month additional for each child of the soldier under 16 years of age.

H. R. 10306. Selenia F. Hiatt, 39 Virginia Avenue, Indianapolis, Ind., is the dependent mother of Charles Z. Hiatt, who served during the War with Spain, from September 27, 1897, to August 19, 1898, when he died in the service of typhoid fever. (Mother's Cert. 945711.)

Claimant is now pensioned at the rate of \$12 per month as soldier's mother. Claim filed November 22, 1923.

She is 64 years of age and has no property or income and has no one to help her except a married daughter, who is very poor and can not give her more than \$2 per month.

Medical evidence shows that she has some heart disease and other troubles and is unable to perform much labor.

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

H. R. 10375. Harry G. Ross, 914 North Twenty-second Street, Terre Haute, Ind., served in the Regular Establishment in the First Company, United States Coast Artillery Corps, from January 16, 1906, to January 15, 1909, when honorably discharged. (Inv. Orig. 1397978.)

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

March 19 to 22, 1906, contusion, slight, right elbow, caused by slipping on wet pavement at post; March 18, 1906, to June 13 and 14, 1906, acute gastric indigestion; July 13 to 19, and August 15 to 17, 1906, dhobie itch; November 5 to 8, 1906, influenza, occurred while in confinement at Key West Barracks, Fla.; December 11 to 21, 1907, abrasion slight, upper lip, incidentally caused by pressure of mouthpiece of bugle while on duty at Fort Levett, Me., December 10, 1907. Returned to duty.

All the foregoing in line of duty.

No additional record of disability found.

In July, 1911, the soldier filed a claim for pension alleging that he had contracted rheumatism and disease of legs and feet in service. In November, 1911, he filed a second declaration alleging that in service he had contracted dhobie itch and gastric indigestion and incurred an injury of right elbow in the service. The claims were rejected March 2, 1915, on the ground of no ratable disability from alleged causes.

Another claim was filed August 19, 1916, which was rejected February 2, 1917, as follows: Rheumatism and disease of legs on the ground of no record in the War Department and no medical or other evidence showing origin in the service or existence at and continuance since discharge, and gastric indigestion or disease of stomach, dhobie itch, and injury of elbow on the ground of no medical or other satisfactory evidence showing existence of same at discharge and continuance thereafter, and claimant's manifest inability to furnish such evidence and the action was affirmed on appeal July 19, 1917. Reopening of claim has been denied.

In this case prior soundness is shown, and the testimony of four persons has been filed showing that ever since discharge the soldier has had or complained of same stomach trouble and also of his right

arm which has been weak, and in 1916 a druggist testified that he had sold him patent medicines for stomach trouble and liniments for his arm.

A board of surgeons who examined him October 21, 1914, rated disease of stomach at 5/18 and injury of right elbow at 3/18.

Claimant is 41 years of age, has a family, and has no property, and he states his income is \$600 per year.

In support of the bill additional testimony has been filed as to existence of stomach trouble and weakness of arm since discharge, and a physician testifies to treatment in 1915 and 1917 for stomach trouble and bronchitis and that he had a scar on right elbow and complained of his arm.

In view of the record showing treatment for contusion of right elbow and gastric indigestion in service and the evidence as to continuance of disability therefrom since discharge, it is recommended the soldier be granted a pension of \$12 per month.

H. R. 10452. William G. Patton, Flat Lick, Ky., served in the Regular Establishment in Troop E, Ninth Regiment United States Cavalry, and in the Hospital Corps, United States Army, from December 13, 1894, to December 12, 1897, when honorably discharged. (Inv. Orig.: 1204736.)

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

In February, 1898, the soldier filed an application for pension, alleging incurrence of a right inguinal hernia in the service, which claim was rejected March 5, 1903, on the ground of no record of alleged hernia in the War Department; no medical evidence of its existence in the service or at date of discharge and claimant's inability to establish the claim. He claimed that the hernia was incurred by lowering a window and subsequently aggravated by lifting patients in the hospital.

No evidence was filed in support of the claim except the affidavits of two witnesses who testified to complaints made by soldier of a rupture in the service, but neither witness stated that he had seen the rupture or that he had actual knowledge as to its incurrence or existence in the service. The hernia, however, was found upon medical examination May 4, 1898, about five months after discharge. His claim was filed a little over two months after discharge.

Soldier is 54 years of age and owns 14 acres of land worth about \$1,200, and he states his income is \$75 per year, with a small insurance of \$141 per year. Witnesses testify to prior soundness and complaints since discharge and a physician testifies that he examined him March 11, 1926, and found an incomplete rupture.

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

H. R. 10514. Elizabeth Bierley, 713 West Water Street, Piqua, Ohio, is the widow of Jame S. Bierley, who served in the Regular Establishment in Company D, Seventeenth Regiment United States Infantry, from August 24, 1870, to August 24, 1875, when honorably discharged. (Wid. Ctf. 718314.)

The soldier was in receipt of a pension of \$30 per month for disease of lungs when he died.

He died January 28, 1911, of disease of lungs and the claimant was granted a pension of \$12 per month, the maximum rate.

Claimant was married to the soldier April 12, 1877.

She is 72 years of age.

The evidence filed with the bill shows that the claimant owns a house and lot in Piqua, Ohio, valued at \$2,000 and that she has no income other than her pension of \$12 per month.

The witnesses also state that claimant is an invalid and has no one to support her, but that her sister who is also an invalid lives with her and does the housework, the claimant being unable to do any work.

A physician states that claimant is suffering from colitis and piles and is not in a physical condition to care for herself. One witness states that claimant has been an invalid for the last year and has practically no control of herself and requires washing.

In view of the claimant's advanced age, poor financial and physical condition and that her husband's death was due to his military service, your committee recommends that her pension be increased to \$20 per month.

H. R. 10520. John F. Elkins, 913 Main Street, Brainerd, Minn., served during the war with Spain in Company H, Fifty-first Regiment Iowa Infantry, from April 28, 1898, to August 3, 1898, and in Company B, Eleventh Regiment United States Volunteer Cavalry, from August 6, 1899, to January 29, 1901, when honorably discharged. (Inv. Orig: 1482145.)

No claim was ever filed under the general law.

His claim under the Spanish War pension act of June 5, 1920, filed April 12, 1923, was rejected August 14, 1923, on the ground that the claimant was not disabled for the performance of manual labor in a ratable degree. This action was based upon the following official medical examination of May 26, 1923:

Slight deafness in left ear.  
 Right ear normal.  
 Eyesight normal.  
 Right testicle enlarged to four times normal size. (No varicose veins.) Cause, from striking pommel of saddle while in Cavalry service.  
 Hemorrhoids, one hemorrhoid size of a navy bean situated anteriorly and protruding. Several small, internal hemorrhoids.  
 Digestion normal, except somewhat constipated.  
 Heart normal.  
 Lungs normal.  
 Backache probably due to hemorrhoids.  
 No vicious habits.  
 Rating, one-tenth.

The soldier is 48 years of age and married.

It is shown by the evidence filed with the bill that he owns the house in which he lives and personal property valued in all \$2,700, and that his annual income is from his wages, amounting to \$3,000.

Witnesses also state that claimant is 50 per cent incapacitated for earning a support by manual labor by reason of weakness probably caused by rheumatism and poor hearing; that he is at present working as foreman, which does not require manual labor, and on account of his physical condition he does not work constantly.

A physician states as follows:

That he is a practicing physician, and has been acquainted with the above-named soldier for about 6 years, and that I resided in Brainerd, Minn., Crow Wing County, from April, 1919, to October, 1925, and during this time I was a

practicing physician and surgeon and attended John F. Elkins, during his different illness. During this time he had frequent attacks of arthritis, involving many of the joints, and during which time he was disabled from work. I do not recall the exact dates of attendance, but do know that he required medical attention at least three times a year. All of his teeth have been extracted, thinking that this would relieve his arthritis, but without success.

He has exacerbation of a chronic arthritis.

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

H. R. 10565. Amy Lindsey, 303 Harrison Street, Piqua, Ohio, is the mother of Eugene W. Lindsey, who served during the war with Spain, in Company K, Third Regiment Ohio Infantry, from June 9 to November 11, 1898, and also served in the Fourth Company, United States Coast Artillery, from April 10, 1900, to April 14, 1903, when honorably discharged. (Mo. Orig. 1188707.)

The records of the War Department show no treatment during first service, but show that soldier was treated in second service for abscess of jaw, and that in September he was resuscitated from drowning, and that from November 26, 1902, to February 15, 1903, he was sick at Army Hospital, Hot Springs, Ark., with rheumatic fever in line of duty.

Soldier died in New Orleans, La., September 5, 1907, of cardiac failure due to aortic regurgitation (disease of heart).

The claim of his mother was rejected February 1, 1926, after a special examination, on the ground that the evidence failed to show continuance of the rheumatic fever from soldier's discharge from last service till his death or to connect his death with the service.

It was shown on the special examination that soon after his discharge soldier went to Fort Wayne, Ind., and there took up with and went away with a married woman and they lived together until he died, about three years after going to that city.

No competent evidence could be obtained to show that he suffered from rheumatism or any heart disease after his final discharge until his death in New Orleans, La., in 1907.

Claimant is 76 years of age and her income is 6 per cent on \$600, and her earnings from sewing; and while she has no particular disease, she has some dilation of heart and other infirmity due to her age.

Evidence filed shows that soldier was never married, that claimant is his mother, and that the soldier's father died five or six years ago, and that claimant has not since married.

A pension of \$12 per month is recommended.

H. R. 10643. John T. Burns, National Home, Wis., served during the war with Spain in the United States Navy as fireman on the U. S. S. *Harvard* from June 22, 1898, to September 3, 1898, when honorably discharged; service no longer required. (I. O. 1411511.)

His claim under the general law was abandoned, and his claim under the Spanish War pension act of June 5, 1920, was rejected because of insufficient service. His service covered a period of 74 days. However, it appears that he served much longer and that while with the *Harvard* he rendered active war service, as that ship during said time was in the West Indian waters ascertaining and reporting upon the movements of the Spanish fleet.

The Secretary of the Navy stated that the U. S. S. *Harvard*, belonging to the International Navigation Co., was placed in commission by the United States April 26, 1898, and that the crew were

mustered into the United States service June 22, 1898. It is quite evident that the crew of this ship had more than 90 days of service during the war with Spain.

Claimant is 65 years of age.

It is shown by the evidence filed with the bill that he owns no property and has no income.

A physician states that the claimant has a peculiar gait in which he appears to place the entire surface of the foot on the floor at once and that he is suffering from senile debility with slight systolic heart murmur, pleuradenia, and painful areas in lumbar region.

Witnesses state that he is 50 per cent incapacitated.

A pension of \$20 per month is recommended by your committee.

H. R. 10644. Daniel Shay, National Soldiers' Home, Va., served during the war with Spain in the United States Navy, on the U. S. S. *Yale*, from June 11, 1898, to September 2, 1898, when honorably discharged. (I. O. 1441386.)

Sailor's claim under the Spanish war pension act of June 5, 1920, has been rejected because of insufficient service.

His service covered a period of 84 days. This man it appears was a member of the crew of the steamship *Paris* when it was taken over by the Navy in April, 1898, and the records of the Navy Department show that said vessel with its crew was taken over and armed and fitted for scout duty and renamed *Yale*. It was placed in commission at the navy yard, New York, May 2, 1898, with Capt. C. S. Wise commanding, and the records show that in May, 1898, it was cruising around Porto Rico and Haiti for the purpose of ascertaining and reporting as to the movements of the Spanish fleet.

The sailor is 62 years of age, unmarried, and an inmate of a soldiers' home. He has no property or income and witnesses state he is one-half disabled.

A physician describes his condition as follows:

I have this day, February 8, 1926, made a careful medical examination of said sailor, finding his condition as follows: Eyesight impaired to about two-thirds of normal sight, teeth all out due to pyorrhoea. Slight hypertrophy of the heart. Bronchitis, both lungs. Varicose veins on both legs very large. Flat feet. Blood pressure, 160 mm. Chronic articular rheumatism—he alleges in all joints and pains severe at times. He alleges to have pain in upper lobe of right lung at all times, also a pain in the region of the heart, severe at times, causes him to suffer shortness of breath. To the best of my knowledge and belief this man is disabled for the performance of manual labor to the extent of one-half of total disability.

This man had 84 days of actual naval service and was practically rendering naval service from May 2, 1898, and it is recommended that he be granted a pension of \$20 per month.

H. R. 10645. Josephine Paulsen, 497 Seventeenth Avenue, Milwaukee, Wis., is the dependent mother of Max S. Paulsen, who served in the regular establishment during time of peace in the United States Marine Corps, from January 2, 1912, to March 10, 1913, when honorably discharged. (Mother's Orig. 1229999; I. C. 1173876.)

The records of the Navy Department show treatment in service as follows as shown by a report filed with the bill:

Marine Barracks, Washington, D. C.: January 9, 1913, admitted with "otitis media, acute." Origin duty, exposure while on duty in Nicaragua. First noticed it in right ear September 20, 1912, in Nicaragua. Caught cold in firing

line; left ear commenced to run about December 20, 1912, while at Camp Elliott, Panama. Purulent discharge from both ears. Washed out with warm boric acid solution. Transferred to United States Naval Hospital, Washington, D. C.

January 9, 1913, readmitted with "otitis media acute." Origin, line of duty. Has acute suppurative otitis media both ears, more marked in right. Some edema and tenderness over right mastoid. Ears cleansed and alcohol instilled.

January 15, 1913, left ear improving. Right ear no change.

January 25, 1913, tenderness continues in right mastoid. X-ray made. Plate not very good. Left ear improving. Right ear no change.

February 7, 1913, radical mastoid, right ear; bone incised, very little pus, granulation in antrum, small necrotic areas over labyrinth wall.

February 15, 1923, doing nicely, less discharge from ear.

February 21, 1913, report of medical survey held this date states: Diagnosis—Otitis media acute. Origin in line of duty. Incident to service in Nicaragua. Following an acute suppurative otitis media both ears, in right ear he developed a mastoiditis which has been operated upon. There is impaired hearing both ears; the left ear has about one-third to one-half normal hearing, the right ear practically no hearing of ordinary sounds. Present condition, unfit for the service. Probable future duration, permanent. Recommendation: That he be discharged from the United States Marine Corps upon discharge from treatment.

February 22, 1913, left ear no discharge. Right ear healing.

March 1, 1913, doing nicely, no discharge. Left ear all healed. Right ear shows great improvement. Operative wound healed. Little discharge right ear from granulating wound.

March 10, 1913, transferred to the United States Marine Barracks, Washington, D. C., for discharge in accordance with approved recommendation of board of medical survey. Hearing left ear about one-half normal. Right ear, practically no hearing.

The marine was pensioned at the rate of \$25 per month on account of disease and total deafness of right ear and severe deafness of left ear.

He died at the Marion National Sanatorium, Ind., July 10, 1924, of chronic pulmonary tuberculosis, and his mother's claim has been rejected because the fatal disease was not a result of the pensioned disability or shown otherwise due to service.

It appears that about 10 years after his discharge he was under treatment in the naval hospital at Philadelphia, Pa., which treatment has been reported by the Navy Department as follows:

Naval Hospital, League Island, Pa.: May 27, 1923, admitted with "Diagnosis undetermined." Origin not duty (pensioner). Admitted complaining of weakness, cough, and hoarseness. Had pneumonia seven years ago. Throat affected since February, 1913. Gunshot wound back right ear October 2, 1912. Operated (mastoid) 1913 (right). Deaf since 1913. Pensioned on account of hearing.

Present illness began with pleurisy and sore throat in January, 1913. He has lost weight from 143 to 93 pounds since then. Night sweats. Physical examination: Emaciated. Scar back right ear. Throat shows hypertrophied lymph nodes. Chest, both apices dull. Entire right upper lobe dull. Crepitant rales and bronchial breathing posterior and anterior upper right lobes. Whispered voice present. X ray shows old tuberculosis of lungs. There are two small cavities of second interspace right side. Right lung appears to have the chief old infection and the left the most recent advancement.

On May 30, 1923, tubercule bacilli found in sputum. Fever, 99.4. Both ears discharge pus, and it is thought the infection might have been tuberculosis in the mastoid in the beginning, coming on sometime after injury.

June 4, 1923, diagnosis changed to "Tuberculosis, chronic pulmonary." Origin not in the line of duty, he being a beneficiary.

July 9, no change noted in his case.

September 24, 1923, has not been running any fever although he is up and about. His larynx shows no change. He has gained 10 pounds since admission. He has made arrangements to be admitted to a sanitarium. Discharged at his request.

The marine was never married.

Claimant is 62 years of age, a widow, and has no property or income and is dependent upon two daughters, and medical evidence shows that she has prolapsus of uterus, is very nervous and wholly disabled for manual labor.

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

H. R. 10672. Charles Pirce, Veterans' Home, Calif., served during certain Indian wars in Company C, Eighth Regiment United States Infantry, from October 27, 1870 to October 27, 1875, when honorably discharged. (I. W. S. Orig. 20940.)

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

However, the Adjutant General, United States Army, in a letter written to Hon. Charles F. Curry, under date of March 10, 1926, stated as follows with reference to soldier's service:

It does not appear that this soldier served in the zone of any Indian campaign named in the act of March 4, 1917. His organization formed a part of Colonel Stanley's two Yellowstone expeditions in 1872 and 1873, each encountering hostile Indians, the one in 1872 sustaining some casualties, none, however, by Company C, Eighth Infantry. From February to July, 1874, he served at Camp Robinson and Spotted Tail Agency helping to keep Ogalalla Sioux on their reservation. The soldier being present with his company all this time it appears that he served in the zone of Indian hostilities over 30 days, although not in any "campaign" against Indians.

Soldier is 80 years of age and has no property or income and he is afflicted with rheumatism, heart disease, and varicose veins and is unable to work.

In view of the report of the Adjutant General, United States Army, it is believed soldier should be regarded as having been an Indian War soldier and granted a pension of \$20 per month.

H. R. 10689. Guy E. Metcalf, Hooser, Kans., served in the regular establishment in Troop B, Eleventh Regiment United States Cavalry, from November 9, 1906, to November 8, 1909, and from February 26, 1910 to July 19, 1911, when honorably discharged. (Inv. Ctf. 1170398.)

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

December 12 to 14, 1907, contusion, slight dorsal aspect left foot, accidentally caused by striking foot against horizontal bar in gymnasium at post, December 11, 1907; December 28, 1907; to January 2, 1908, acute intestinal dyspepsia; June 8 to 16, 1909, abrasion, slight, upper lip, accidentally caused by blowing a trumpet; August 18 to 25, 1910, sprain of hand, left, severe, affecting metacarpophalangeal joint of forefinger mainly, caused by falling from a horse at Fort Oglethorpe, Ga., August 18, 1910, while drilling; December 21, 1910 to February 22, 1911, penetrating gunshot wound of right breast, severe. Wound of entrance third intercostal space 1 inch to right of sternum. Course of bullet, posteriorly involving anterior chest wall and lung. No wound of exit. Caused by 38-calibre revolver bullet, fired by an intoxicated civilian with homicidal intent, while soldier was on pass at Ridgedale, Tenn., about 3.30 p. m., December 4, 1910. Patient treated in Erlanger Hospital, Chattanooga, Tenn., until admitted to post hospital. Condition on admission: Wound partially healed. No fever. Pulse irregular and of poor quality. Respiration increased slightly. Weakness and loss of weight. Condition poor. Complication December 25, 1910, pleurisy, traumatic, right side affecting, anteriorly, lower third, and posteriorly lower two-thirds, pleural cavity. December 29, 1910, aspiration of right pleural cavity under cocaine anaesthesia, 500 c. c. haemorrhagic exudate withdrawal; May 23 to June 2 and June 2 to 5, 1911, bronchitis, acute, bilateral June 2, 1911; disa-

ability resulting from an old gunshot wound of right breast incurred at Chattanooga, Tenn., December 4, 1910; June 17 to July 1 and July 1 to 19, 1911, myalgia, acute, pectoral muscles right side, discharged on S. C. D., July 19, 1911, on account of old penetration of gunshot wound of right side of chest. Degree of disability, three-fourths.

All the foregoing in line of duty. No additional record of disability found.

Soldier is pensioned at the rate of \$6 per month for an injury of his left hand incurred in service, and increase was rejected December 23, 1925.

His claim for gunshot wound through right chest or lung was rejected in November, 1911, because the records showed that said wound was not incurred in the line of duty, but while he was absent on a pass for his own pleasure.

The War Department records show that the pass was issued to him for the purpose of visiting friends in Chattanooga, Tenn.

In 1911 the soldier made the following statement as to the shooting:

While on pass approved of by Col. Jas. Parker, commanding Eleventh United States Cavalry, December 4, 1910, I was visiting the home of Mrs. Joe Dedmon (Chattanooga). Her divorced husband entered the home under the influence of liquor and asked if I was an officer of the law and was told that I was a soldier from the post. Without warning he commenced shooting at me and my friends; he was a stranger to me and I had never said or done anything to cause him to do the shooting.

Lieut. W. H. Bell, who was in command of the troop and who investigated the circumstances of incurrence, made the following report to the War Department.

Corporal Guy E. Metcalf, Troop B, Eleventh Cavalry, was shot by one Joseph Dedmon, a civilian at Ridgedale, a suburb of Chattanooga, Tenn., on the afternoon of December 4, 1910, while he—Metcalf—was visiting the home of Mrs. Dedmon, the divorced wife of Joseph Dedmon. From my investigation at the time and from the evidence brought out at the preliminary hearing in this case by the civil authorities at Chattanooga, Tenn., the circumstances appear to be as follows:

On the afternoon of December 4, 1910, while Mrs. Dedmon, her two daughters, Metcalf, and a young man named Staley were seated in the front room of Mrs. Dedmon's house, Dedmon, in an intoxicated condition, came to the house and asked to be admitted. On account of his condition Mrs. Dedmon refused and closed and locked the front door. Dedmon then went to the rear of the house and with the assistance of a negro boy entered by a back door and proceeded at once to the front room. As he entered the room he asked Mrs. Dedmon, "who are these people"—referring to Metcalf and Staley—and without waiting for her response began firing, using a revolver. The first shot struck a lamp standing on a center table; the second struck Metcalf and the third struck Mrs. Dedmon inflicting a slight wound in the neck. Before he could fire again Staley knocked Dedmon down and disarmed him, holding him until the arrival of the police. The Dedmons had been divorced for five or six months, Dedmon having the reputation of being a worthless character. The evidence introduced at the preliminary hearing showed that Metcalf had visited Mrs. Dedmon but once before the shooting and that there had been no improper relations between them such as would have given Dedmon a reason for his act. I followed the preliminary hearing in which Dedmon was bound over to the grand jury. The hearing before that body was had after my departure from Fort Oglethorpe, Ga. Metcalf was an innocent visitor at the home of Mrs. Dedmon, was unarmed, did not provoke a quarrel with Dedmon, and was in no particular at fault in this occurrence. Metcalf had a most excellent character in his troop. A report was made by me to the regimental commander as to the steps taken by the civil authorities to bring the matter to trial. No written report of the circumstances was made by me, except the indorsement of The Adjutant General of the Army on a similar request from the Bureau of Pensions made in July, 1911.

Soldier is 41 years of age and has about \$500 worth of property and his income is less than \$500 per year.

A physician testifies that from 1910 to 1919 he was soldier's physician, and that about 1912 or 1913 he attended him for an acute illness, influenza, and bronchitis, and that he was from one-third to one-half disabled.

In certificate of medical examination made December 2, 1925, the board stated as follows as the wound:

Scar from bullet second intercostal space right from chest, atrophy one-third of amount of right pectoral muscle, rales over right apex, complete consolidation of lower lobe of right lung, atrophy of entire right chest, left lung normal.

The board rated the soldier at three-fourths for loss of use of index finger of left hand, heart lesion, and destruction of right lung tissue.

The committee recommends an increase of pension to the rate of \$20 per month.

H. R. 10724. John Guethlein, 3519 McHenry Avenue, Cincinnati, Ohio, served during the war with Spain in Company I, First Regiment Ohio Infantry, from August 6 to October 25, 1898, when honorably discharged. (Inv. Orig. 1530337.)

Claim under the Spanish war pension act of June 5, 1920, has been rejected because of insufficient service.

The soldier is 49 years of age, and has no property except household furniture, and his only income is \$75 per month paid him as a retired policeman. He states he was retired because of disability. He is married.

His physician testifies that he is wholly disabled as a result of glandular deficiency causing general weakness, paralysis of bowels, rupture, and other troubles.

He had 81 days of service lacking nine days of the required ninety. The committee recommends a pension of \$12 per month.

H. R. 10748. Ambrose J. Kuhlman, 509 Vine Street, Hamilton, Ohio, served during the Philippine insurrection in Company L, First Regiment United States Infantry, from April 8, 1899, to May 28, 1902, when honorably discharged. Records show in confinement four months during service. (Inv. Orig. 1474452.)

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

March 24 and 25, 1901, condyloma surrounding anus, not in line of duty; April 16 and 17, 1902, syphilitic roseola, not in line of duty.

The records also show gonorrhoea six years prior to enlistment.

Claims under the Spanish war pension act of June 5, 1920, have been rejected because of no disability independent of the effects of specific disease.

In April, 1925, a physician testified that soldier was blind, kidney and prostatic trouble, and some impairment of hearing, and that he gave a history of having acquired syphilis.

The board by which soldier was last examined February 6, 1924, concluded its certificate as follows: "No disability from which syphilis could be eliminated as a factor."

Soldier is 55 years of age and is married.

Evidence shows that he has no property or income as shown by the evidence.

A physician describes his present physical condition as follows:

That he is a practicing physician, and has been acquainted with the above-named soldier for about five years, and that on or about the 15th day of January, 1925, the said Ambrose Kuhlman submitted himself to a medical examination by me, and that as a result of such examination I discovered the following conditions: A fairly well nourished male; blind since 1922 and hearing becoming less acute; as to kidneys frequent urination with dribbling urine, also retention; prostatic enlargement; sugar and albumin present; tonsils and teeth diseased; liver enlarged and tender; blood pressure systolic, 144; diastolic, 68. No examination of the blood was made because of the report of recent Wassermann examination which showed negative.

He was then fully incapacitated from doing any work because of his physical condition, and I have seen him frequently since the date of said examination and find that none of the conditions heretofore described have improved and, in my judgment, his condition will not improve.

A pension of \$30 per month is recommended.

H. R. 10752. Charles J. Fitzgerald, Winsted, Conn., served in the regular establishment as first class fireman, U. S. S. *Maine*, from September 16, 1903, to September 15, 1907, when honorably discharged. (Inv. Ctf. 1180798.)

The claimant is pensioned under the general law at the rate of \$17 per month on account of double inguinal hernia—left incomplete, right complete and nonretainable—due to service and in the line of duty.

Claim for increase was rejected December 17, 1925, on the ground that pension was commensurate with the degree of his disabilities of pensioned cause.

A bill has been introduced proposing to grant the sailor an increase of pension to \$30 per month.

Claimant is 48 years of age, married, and has one child under 16 years of age.

It is shown by the evidence that he owns real and personal property valued at \$3,000, and that his annual income from all sources is not more than \$650.

The board of examining surgeons stated in part as follows relative to their examination of him November 18, 1925:

Inguinal region: Right and left, there are scars, each about 4 inches in length. Four in number, two on each side. They are from operations for hernia. On left side there is no evidence of hernia at present time. On the right there is recurrence with a distinct impulse on coughing, with distinct bulging of a tumorous body about the size of a walnut, which passes through the external ring. A truss is worn, which does not hold the hernia.

G. U. system negative. Urine, 1024; acid, no proteins and no sugar. Extremities and skin negative. There is no evidence of vicious habits. In view of the fact that each side has been operated on twice and that still on the right side there is a hernia, it appears to your examiners that this applicant is incurable. We think that he could do some light work, but in view of the fact that employers are loath to employ men with a disability of this kind, we recommend that said applicant should be granted a pension of \$24 per month.

A physician makes the following statement relative to the sailor's present physical condition:

In 1922 I performed an operation for double complete inguinal hernia at the Litchfield County Hospital at Winsted, Conn. His condition at that time was very bad, as the hernias were large and abdominal muscles very much thinned out.

There was a recurrence of rupture after five months. He had another operation at St. Mary's Hospital, Brooklyn, N. Y., last June (1925), with the recur-

rence coming on about four months after operation. He has now two large inguinal hernias that are partially retained by a truss and abdominal support.

He is and will be incapacitated for any kind of work that requires lifting or much standing.

It appears that the claimant can only perform the lightest kind of manual labor.

The Pension Bureau allows \$17 per month for double inguinal hernia each of which passes through the external ring. This is the amount of claimant's pension.

The committee recommends an increase of pension to the rate of \$24 per month.

H. R. 10756. Mary E. Rae, 30 Pearl Street, Brookline, Mass.

This claimant is now pensioned at the rate of \$20 per month under a special act approved September 22, 1922, based upon the following report:

S. 3697. Mary E. Rae, 30 Pearl Street, Brookline (Boston), Mass., is the widow of Edward P. Rae, who enlisted May 4, 1898, in Company A, Ninth Regiment Massachusetts Infantry, and was honorably discharged November 26, 1898. His application for pension under the general law was rejected by the Bureau of Pensions June 1, 1899, on the ground that alleged tuberculosis was not contracted by him while in the service and that there was no disability from alleged malarial poisoning, disease of spleen, stomach, and kidneys, piles, and rheumatism. He died May 25, 1918, from pulmonary tuberculosis.

Claimant married the soldier February 3, 1906, by formal ceremony, in New York City, and lived with him until his death. She has not remarried. They had one child, now over 16 years of age. Her application for pension under the act of July 16, 1918, was rejected September 30, 1921, on the ground that she was not the soldier's legal widow; that the soldier's divorce, nisi, from his former wife in Massachusetts had not become absolute when he married claimant in New York State. It became absolute July 27, 1906, and claimant continued thereafter to live with soldier in the State of Massachusetts until his death. Under the laws of that State the marriage of claimant and soldier would be held legal after the removal of the impediment provided the marriage in the first instance was entered into in good faith. The adverse action in her case is based on the conclusion that "good faith" was lacking. Well, it is very evident that they wanted to be husband and wife. Although they may have known they could not contract a legal marriage in the State of Massachusetts, yet they thought it would be all right if entered into in New York State. They intended marriage and not concubinage, and their good intentions are evidenced by the fact they continued to live as all married people do until soldier's death.

The claimant is now 41 years old. She has no property and is being supported by the State. The committee recommends that she be granted a pension of \$20 a month.

She is 44 years of age and the above report shows that she is in dependent circumstances.

The papers in the pension case show that she has two children, born of her marriage to soldier, who are under 16 years of age, and in the former bill no allowance was made for said children. The children are living with the claimant.

The committee recommends that an allowance of \$6 per month additional be made for each of said children until they become 16 years of age. William Rae, born March 31, 1917, and Virginia Rae, born March 14, 1912.

H. R. 10765. Cass Jackson, Cecil, Ohio, served during certain Indian wars in Company I, Nineteenth Regiment United States Infantry, from November 1, 1879, to October 31, 1884. He again enlisted and served continuously in Company C, Tenth Regiment United

States Infantry, from April 14, 1885, to July 13, 1893, when honorable discharged. (I. W. S. Ctf. 8177.)

The soldier was pensioned under the general law at the rate of \$8 per month for chronic diarrhea and resulting disease of rectum, when he was pensioned as an Indian war soldier at the rate of \$20 per month.

A claim for increase under the general law was approved for \$12 per month, April 5, 1925. However, he received no benefit, as he was pensioned at a higher rate under the Indian war pension act of March 4, 1917. The medical doctors of the Pension Bureau stated that soldier's condition was due largely to rheumatism, disease of heart, and senile debility and not to pensioned causes.

Claimant is 71 years of age and married.

It is shown by the evidence filed with the bill that the claimant owns 10 acres of land valued at \$600 and \$200 worth of personal property, and that he has no income other than his pension.

The official board that examined the claimant July 15, 1925, stated that he was unable to dress himself or answer the calls of nature and required the regular aid of another person.

A physician states that for the past two or three years he has required the daily attendance of another person to aid him in dressing and to answer the calls of nature.

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

H. R. 10812. Albert R. Johnson, box 184, Indianapolis, Ind., served in the regular establishment in Company G, Sixteenth Regiment United States Infantry, from December 21, 1903, to April 3, 1908, when honorably discharged, and in Company E, Sixteenth Regiment United States Infantry, from May 17, 1908, to May 27, 1911, when discharged without honor per expiration of term of enlistment. (I. O. 1487094.)

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

February 7, 1906, to March 8, 1906, gonorrhoea acute, not in line of duty; April 6 to 8, 1909, sprain, acute, moderately severe, first metacarpo-phalangeal joint left hand, received while engaged in a brawl at Omaha, Nebr., April 5, 1909, not in line of duty; January 27 to 30, 1904, acute bronchitis; February 25 to 27, 1904, influenza; March 29 to April 2, 1904, sprain slight right ankle at athletics; October 10 to 18, 1904, abrasion slight upper lip due to blowing trumpet; January 17 to 18, 1905, influenza; February 20 to 23, 1905, sore lips from blowing trumpet; December 7, 1905, to January 18, 1906, hemorrhoids, moderate degree, external acute; additional diagnosis December 14, 1905, neuritis acute, right sciatic operation; December 7, 1905, clamp and cautery anesthetic chloroform, Major Wales, successful; April 12 to 14, 1906, pharyngitis acute, catarrhal; August 9 to 15, 1906; dengue; October 16 to 20, 1906, tonsillitis follicular, right acute; February 6 to 11, 1907, dyspepsia, intestinal, subacute; March 9 to April 3, 1908, appendicitis, acute; March 10, 1908, operation, appendicectomy by Captain Flagg, anesthetic, ether; June 5 to 10, 1908, alveolar abscess; acute, second left upper molar; April 10 to 17, 1909, burn, first degree, dorsum left hand and fingers, resulting from painting with tincture of iodine while treating sprain of metacarpo-phalangeal joint left hand; April 21 to 25, 1910, laryngitis, acute, severe; October 13 to 16, 1910, strain slight lumber region, involving latissimus dorsi muscle accidentally incurred by lifting a platform while on fatigue at Fort Davis, Alaska, October 13, 1910, January 13 to 28, 1911, fracture, simple, first phalanx, right hand, accidentally incurred while engaging in athletic sports at Fort Davis, Alaska; January 13, 1911, April 18 to 25, 1911, under observation for post operative adhesions (appendectomy '08) diagnosis negative, all in the line of duty. No additional record of disability found.

Records also show that at first enlistment he had a slight left varicocele.

In July, 1923, soldier filed a claim for pension, alleging that in the fall of 1906 he was taken with trouble of the rectum and that he was operated upon for same and that he was also operated upon for appendicitis about January, 1908. The claim was rejected after a special examination November 21, 1924, as to disease of rectum on the ground that the evidence on file, manifestly the best obtainable, failed to connect any existing disability from said cause with the service, as as to appendicitis and results of operation for same on the ground of no ratable disability.

The rejection as to disease of rectum was based upon a medical opinion that the present disease was not identical with or a result of the hemorrhoids of record.

The medical examiners of the bureau first approved the claim for \$24 per month.

In this case freedom from disability prior to service is shown and it is also shown by the evidence filed and that obtained on the special examination that soldier has had some disease of the rectum ever since his final discharge from the Army and return home in 1911, and medical evidence shows that he was operated upon for fistula of the rectum April 27, 1921, and the doctor who performed the operation testified on the special examination that while he had been better since the operation he had to wear a pad all the time.

The board of surgeons that examined soldier October 31, 1923, concluded their certificate as follows:

This claimant is so disabled by loss of control of sphincter ani account of operation on hemorrhoids and rectal abscesses for purpose of manual labor as to disable him to the extent of one-half and is entitled to \$18 per month.

The board also stated that he wore a rectal pad constantly.

Soldier is 41 years of age and owns no real estate, but has about \$600 worth of personal property and his income is about \$600 per year. He is a laborer but can do but very little work. He is married.

In support of the bill two more witnesses testify as to continuance of rectal trouble since service and a physician testifies as follows:

That he is a practicing physician, and has been acquainted with the above-named soldier for about five years, and that Albert R. Johnson is disabled three-fourths from doing manual labor.

He came under my care about April 5, 1921, when I found him suffering from a large scar in the anal region resulting, he claimed, from a rectal operation. Said operation was performed at Camp McKinley in the Philippine Islands in May, 1906. At the time of my examination he was suffering from complete incontinence of rectum, being unable to hold in the rectum gas liquids or semisolid. On April 13, 1921, I operated on him and removed the dense rectal scar and united the sphincter ani. This operation improved his sphincter control about 50 per cent. At this present examination April 5, 1926, I found him unable to control gas or liquid and on lifting can not control gas, liquid, or semisolid in his bowels.

In view of the record showing treatment and operation for hemorrhoids for over a month in the service and an operation for appendicitis as claimed, and the evidence as to existence of rectal trouble since discharge, the committee believes a grant of a pension of \$24 per month is warranted and so recommends.

H. R. 10870. Martha H. French, Brainerd, Minn., is the former widow of George W. French, who served in the regular establishment continuously in Companies B and H, Eleventh Regiment

United States Infantry, and as hospital steward, United States Army, from May 28, 1881, to May 27, 1893, when honorably discharged. (Wid. Orig. 624475.)

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

July 8 to 11, 1881, acute diarrhoea; November 23 and 24, 1881, dyspepsia; June 20 to August 6, 1882, facial paralysis; February 7 to 12, 1883, inflammation of bowels; January 21 to February 16, 1884, gunshot wound caused by explosion of cartridge while loading, the ball passing between second and third metacarpal bone of left hand, in line of duty; October 25 to 27, 1892, pleurodenia acute, left side, in line of duty; March 1 to 26, 1893, neuritis left leg, in line of duty; April 2 to 8, 1893, neuritis left leg, in line of duty: Nothing additional found.

The applicant's claim for pension under the general law filed December 11, 1895, was rejected February 24, 1896, on the ground that the soldier's death by suicide was not due to his military service.

From a certified copy of the coroner's inquest, it is shown that the soldier died June 5, 1893, by cutting his throat with a razor. No reasons given for the act.

It is clearly shown by the evidence filed that the soldier's death by suicide was due to poor health. The claimant and soldier lived together when able during his service and there were no family troubles.

The claimant states that the soldier's death was the result of temporary insanity due to physical and mental pain, he suffering at the time with paralysis and neuralgia due to his military service.

Paul R. Brown, major and surgeon, United States Army, stated as follows in an affidavit executed August 10, 1896:

That he is 49 years of age, and was acquainted with George W. French, the person named in this affidavit, and in the fall of 1892 and in the spring of 1893 did treat the said French, who was then a hospital steward in the United States Army, for acute pleurisy and violent neuralgia of the head and neck; and the affiant further says that at times the said French, while under his treatment, was delirious. According to his statement he had had severe neuralgia of the head and face since 1882, and that he attributed this neuralgia to severe exposure in the line of duty during the winter of 1881-82 at Poplar Creek, Mont.

A comrade of the soldier stated that the soldier had a stroke of paralysis in the service; that he had headaches which made him irritable and affected his mind.

The claimant has filed with your committee a letter addressed to her by the soldier and dated April 12, 1893 (a little over a month prior to his discharge) which in parts is as follows:

My head is aching so like the devil I hardly know what I am writing, so I will stop for this time and let you know how well I sleep, it is now 4 a. m., and so I will send this by the morning mail.

Lots of love and kisses to you and the little ones.

Affectionately your crippled old soldier.

Claimant is 58 years of age.

It is shown by the evidence filed with the bill that she owns a small house valued at \$575 and that she has no income. She is at present receiving temporary board and room at her son's home.

A physician states that the claimant was employed by him as a practical nurse but in recent years she has not been able to follow such work for the reason that she is not strong enough physically and is extremely nervous.

In view of record evidence showing treatment in the service for facial paralysis and neuritis just prior to discharge and the other evidence above cited, and that soldier committed suicide a few days after discharge, it is believed that disabilities of service origin are responsible for his death.

Remarried widows of soldier who served during time of peace have no title to pension as such.

It is shown by the evidence that the claimant and soldier were married November 19, 1885, and that there were no prior marriages of either. The soldier died June 6, 1893, and claimant on February 2, 1904, was married to Antoine J. La Duke. On September 26, 1906, she procured a decree of absolute divorce from Mr. La Duke on the ground of inhumane treatment, and claimant was permitted to resume her former name, "Martha H. French." She has not again married.

A pension of \$12 per month is recommended.

H. R. 10971. Julia King Gleaves, Washington Barracks, Washington, D. C., is the widow of Samuel R. Gleaves, late lieutenant colonel, Cavalry, United States Army. (Wid. Ctf. 971498.)

Mrs. Gleaves is in receipt of a pension of \$30 per month, the officer's death having been due to his military service.

The claimant's husband was appointed a cadet at the Military Academy June 15, 1896. He was appointed second lieutenant, First Cavalry, June 13, 1900, and passed through the several grades to July 1, 1920, when he was appointed lieutenant colonel of Cavalry.

The officer died in the service at Walter Reed Hospital January 7, 1926. He had a splendid military record, participating in the Philippine Insurrection and during the World War was present in the St. Michiel, Meuse, Argonne, and Chemin des Dames sectors.

#### AWARDS

He was awarded the D. S. M. for exceptionally and meritorious and distinguished services. As G-3 of the Forty-second Division, he displayed military attainments of a high order, being constant in devotion to his exacting duties. In the operations section, general headquarters, American Expeditionary Forces, he handled all questions arising in that section pertaining to the arrival, location, and issuance of orders for movements of units in the American Expeditionary Forces. In the solution of the perplexing problems which arose he brought to his task a high faculty for organization, coupled with sound judgment and a comprehensive grasp of service condition.

Croix de Guerre with palm, for services in Chemin des Dames sector.  
Legion of Honor (officer).

The claimant is 43 years of age and was married to the officer April 5, 1904.

It is shown by the evidence that the value of all property owned by the claimant is \$24,500, consisting of life insurance policy \$15,000, stocks and notes \$8,500 and household goods \$1,000. She has two unmarried daughters to support, aged 18 and 21 years.

Your committee recommends that claimant's pension be increased to the rate of \$40 per month.

H. R. 10990. Richard S. Bacon, South St. Paul, Minn., served during the war with Spain in Company K, First Regiment Maryland Infantry, from May 9, 1898, to January 14, 1899, when honorably discharged. During this time he was away without leave for 17 days.

He again enlisted February 15, 1899, for foot service, white, United States Army, and discharged without honor March 30, 1899, as recruit, general service, United States Army.

The soldier states his last discharge was at the instance of his father as he was under age. (I. O. 1452304.)

Claim for pension under the Spanish war pension act of June 5, 1920, was rejected October 27, 1923, on the ground that the soldier was not honorably discharged from all contracts of service between April 21, 1898, and July 4, 1902, having been discharged without honor from his last contract of service March 30, 1899.

If H. R. 8132 becomes a law he could receive no benefit thereunder, as both of his services were rendered during the war with Spain.

He is 45 years of age and married.

It is shown by the evidence filed with the bill that he owns no property and he states that his annual income from all sources is \$900.

Witnesses state that claimant is unable to perform manual labor by reason of stomach trouble and fallen arches.

Official medical examination of September 13, 1922, disclosed that claimant had flat feet probably caused by rheumatism and stomach trouble.

A physician states as follows relative to the soldier's physical condition:

In support of special pension bill for Richard S. Bacon, late private, Company K First Maryland Volunteers, Spanish-American War.

This is to certify that I have known the claimant for the past 25 years and all during this time I have acted as his family physician. That I first treated him on my first acquaintance for a stomach ailment, the accompanying conditions being hyperacidity with bloating caused by the presence of gas which affected the patient with dizziness and faintness. While this condition yielded to treatment ordinary to such cases, but was recurrent and has been intermittent ever since and his present condition is indicative of chronic gastritis. Since this condition came to my notice in one so young and so shortly after his discharge from the Army and has persisted ever since, it is my opinion that the condition is due to exposure and improper preparation of food while in the service.

A pension of \$20 per month is recommended.

H. R. 11034. Richard E. Hibbard, McWhorter, Ky., served in the regular establishment in Company I, Tenth Regiment United States Infantry, from April 3, 1911, to May 20, 1912, when honorably discharged. (I. O. 1409234.)

The records of the War Department show treatment in service as follows: December 16 to 18, 1911, coryza acute severe, in line of duty.

Soldier filed his first application for pension April 7, 1913, alleging nasal catarrh contracted in Canal Zone in December, 1911.

The claim was rejected December 16, 1913, because of no ratable disability.

He filed another application October 14, 1920, based upon catarrh, lung and stomach trouble, and rheumatism, all alleged due to service.

This claim was rejected in July, 1922, on the ground of no record of said disabilities in the War Department, no medical or other satisfactory evidence showing origin in service or continuance of lung and stomach trouble and rheumatism since discharge, and claimant was manifestly unable to furnish such evidence. Some additional evidence was thereafter filed, but reopening was denied.

In this case several witnesses have testified that soldier had measles and suffered from cough while in service, and Dr. G. W. Phillips, in 1913, testified that after discharge he had treated him for catarrh of the nasal passage and other troubles, and in another affidavit he testified that he examined him in June, 1912 and found he had catarrh for which he treated him to 1916, and Dr. Mach Whitis has testified to treatment for same in 1914, 1916, 1918, and 1920.

The soldier is 37 years of age, is married, and has two children. He has an interest in some property worth about \$1,500 left by his father, and has no income except from his labor.

Doctor Phillips again testifies as to his treatment of soldier since 1912, as does also Doctor Whitis as to treatment since 1914, for catarrh and other diseases and rates disabilities at one-half.

A board of surgeons that examined soldier May 10, 1922, reported as follows as to catarrh:

Nasopharyngeal catarrh: The anterior and posterior nares and the tonsils are normal. The eustachian tubes are pervious. The hearing is normal. There is slight inflammation in the posterior part of the pharynx. No disability. No rating.

Prior soundness is established. As this soldier alleged catarrh in his original declaration filed in April, 1913, within a year after discharge, and there is a record of treatment for severe coryza, and medical evidence showing treatment for that disease at or soon after discharge and at frequent intervals since, the committee believes this soldier has some disability due to service and recommends that he be granted a pension of \$8 per month.

H. R. 11036. Harrison Smith, Manchester, Ky., served in the Regular Establishment in Company C, First Regiment United States Infantry, from December 7, 1905, to December 6, 1908, when honorably discharged. (I. O. 1380974.)

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

January 27 to 29, 1906, dermatitis of nose, cause not known; March 14 to 27, 1906, parotitis, acute; March 28 to April 8, 1906, mumps, bilateral, complication; March 29, 1906, orchitis, acute, right testicle; returned to duty April 8, 1906. All the foregoing in line of duty. No additional record of disability found.

The soldier's claim under the general law, filed February 8, 1909, was rejected on the ground that a ratable degree of disability from disease of right testicle, alleged as a result of mumps had not been shown to exist since the date of filing the claim. Soldier waived that part of his claim based on catarrh of nose and throat. Subsequent claims have all been rejected, catarrh of nose and throat and piles on the ground of no record of these disabilities or satisfactory evidence filed showing origin in the service or existence of same at discharge. In the year 1917 that part of his claim filed in 1916 based upon disease of right testicle was rejected on the ground of claimant's inability to furnish satisfactory evidence showing continuance of the same from the date of his discharge.

Soldier's statement, relative to his disabilities is as follows:

While en route from New York to Philippine Islands he contracted mumps which settled in the right testicle, and was confined in hospital aboard ship for 17 days. From this sickness affiant says he never fully recovered and that he has been ever since and is now partially disabled from said sickness. Affiant further says that while in service in the Philippine Islands he developed piles and that he

has been afflicted by reason of said sickness; he is now and has been ever since said Philippine service so afflicted with piles and is partially disabled therefrom. Affiant further says that these are the only disabilities he contracted in said service above named.

Two comrades shown to have been with the soldier in the service stated under oath that he was treated for mumps, catarrh of the head, and piles in the service and that soldier showed them blood stains on his clothing from piles.

Witnesses state that a short time after claimant returned home from the Army in the year 1908, they heard him complaining of catarrh of the head, throat, piles, and results of mumps and that he has been one-half incapacitated on account of the same.

Official examining surgeons in their report of May 5, 1909, recommended 6/18 for disease of testicle and 6/18 for nasopharyngeal catarrh. In the year 1910, the examining board stated as follows relative to disease of testicle:

Disease of right testicle: Comparative measurement, right one measures 4 inches in circumference, the left one 5 inches; both are tender and has well-marked fish worms. Vericosity of veins more marked in right testicle. This board also rated claimant 4/18 for nasopharyngeal catarrh.

He is 36 years of age, married, and has several small children. It is shown by the evidence that he owns no property and his annual income is about \$300.

A physician states as follows:

On December 7, 1925, I examined the above-named soldier and find as follows: Catarrh of the nose and throat. The whole nasal passage is a fiery red covered with dry scales or patches of dried material. The throat is of a dull red showing all over its surface a follicular condition. Also covered with mucous.

He has an atrophied right testicle to half the normal size, which is soft and flabby and has no form to it. Also I believe the left testicle to be one-fourth oversize. He gives a history of having very severe hemorrhoids, but at present his symptoms of same does not show up much externally, but history makes me believe his trouble is internally. I believe from history and examination the claimant to be 33½ per cent disabled for manual labor.

In view of the record of treatment in service for mumps and resulting disability from same and of the evidence it is believed that claimant is entitled to a small pension on account of the same.

His catarrh of nose and throat may be of service origin. Five months after discharge he was officially examined and given a rating of 6/18 for catarrh.

In view of the above it is recommended that he be granted a pension of \$12 per month.

H. R. 11045. Grace Price, Richardson, Ky., claims to be the legal widow of Samuel B. Price, who served during the War with Spain and in the regular establishment. He enlisted in Company C, Eighteenth Regiment United States Infantry, October 25, 1886, transferred to the Hospital Corps, United States Army, August 28, 1889, and discharged October 24, 1891. He again enlisted in the same organization October 25, 1891, and served in the same to January 24, 1895, and from August 27, 1898, to October 13, 1899; October 15, 1899, to October 14, 1902, when discharged as acting hospital steward. Honorably discharged from all contracts of service. (I. C. 1162732—W. O. 1241576.)

The soldier was first pensioned under the general law at the rate of \$8 per month for rheumatism. At the date of his death he was

in receipt of a pension of \$30 per month allowed under the Spanish War pension act of June 5, 1920.

The soldier died April 1, 1925, of chronic nephritis, and the claimant on January 29, 1926, filed a claim for widow's pension under the widows' Spanish War pension act of September 1, 1922.

In short, the claimant is unable to furnish a certified copy of a court record showing that the soldier was divorced from his first wife, Almeda Price, and the Member who introduced the bill was told by the Commissioner of Pensions that such evidence must be filed before her claim can be allowed.

It is shown by the evidence on file that the soldier and claimant were married May 24, 1903; that claimant had one prior marriage, and that to J. C. Dalton, who died in Lawrence County, Ky., May 10, 1900; that the soldier had one prior marriage, and that to Almeda Preece in 1896 or 1897.

The soldier stated before a special examiner in 1910, that his first wife, Almeda Preece, procured a divorce from him in 1898 in Buchanan County, Va., and that she since married twice. He also made the same statement in the year 1907.

This former wife was located and her affidavit is as follows:

The affiant, Almeda Preece Blevins, states that she resides in Catlettsburg, Boyd County, Ky., that at present she is the wife of Frank Blevins, whom she married on the 6th day of May, 1901; that formerly she was the wife of Samuel B. Price, who later married Grace Childers Price of Richardson, Ky.

She says that she and Samuel B. Price were married about the 30th day of July, 1896, and lived together for about seven-twelfths of a year; that thereupon said Samuel B. Price obtained a divorce from her, as she always understood, and she then married John Dye, and since that time has married Frank Blevins.

Knowing Samuel B. Price, she had no doubt but that the divorce was granted, and so far as she is concerned she waives any claim to any pension that might be allowable under the law to his widow.

The clerk of the court of Buchanan County, Va., states that a search of his records fails to show a record of any judgment of divorce between the parties. The clerk of the court of McDowell County, W. Va., states that no record of divorce can be found, but that on the 13th day of March, 1899, upon motion of plaintiff's counsel the case of S. P. Price *v.* Almeda Price was dismissed and stricken from the docket.

The Member who introduced the bill states that he has been unable to find any record of a divorce.

It is very doubtful whether the soldier and this former wife were ever divorced. She has been married twice since her separation from the soldier.

The claimant lived with the soldier from marriage to the date of his death without divorce and has not remarried. Her former husband was not a soldier.

Claimant in her affidavit of March 10, 1926, made the following statement relative to the soldier's alleged divorce from his former wife:

The affiant, Grace Price, states that while she was keeping company with Mr. Samuel B. Price, and before their marriage, he informed her that he had been married and that a divorce had been granted. He did not tell her at what point, and he offered to secure a copy of the judgment granting the divorce. The affiant had not known of the marriage and, under ordinary circumstances would not have ascertained it, and feeling that he was honest in his statement, as she continues to feel, she did not request the physical production of the judgment of divorce.

Claimant is 49 years of age.

It is shown by the evidence filed that she owns a dower in a small house and lot valued at \$800, and that she has no income, but is being supported by a son.

A physician states that claimant, on account of "change in life," is unfitted for self-support.

If the soldier was not divorced from his first wife, she is so far as shown his lawful widow and could file a claim for pension.

Your committee recommends that the claimant be granted a pension of \$30 per month, with the proviso that the pension shall cease and determine if any other person applies for and establishes title as soldier's widow.

H. R. 11073. W. T. Jolly, Kaw, Okla., served during certain Indian wars in Capt. Buck Roberts's company, Texas Minutemen, from January to December, 1870, when honorably discharged. (I. W. S. O. 2005.)

Claim under the Indian war pension act of March 4, 1917, has been rejected because neither the official records of the United States nor the State of Texas afford any evidence of the service alleged nor is it shown that the organization was called into the State service by duly constituted authority.

Two members of the company, Cicero C. Patton and James A. Patton, have testified to claimant's service therein. One of these witnesses, Cicero C. Patton, has been granted a pension by a special act of Congress on account of the service above named. The committee has also recommended that James A. Patton be granted a pension also (see H. R. 5267, O. B. 9966, 69th Cong.).

The allowance of pension to Cicero C. Patton (68th Cong.), was based upon a report as to the service of the company as follows:

H. R. 4291. Cicero Columbus Patton, rural route, 5, box 19, Austin, Tex., served during certain Indian wars in Capt. Buck Roberts's company, Texas Minutemen, from about January to December 20, 1870. No record of service. (Indian wars survivor, Orig. 14915.)

Claim under the Indian war act of March 4, 1917, was rejected September 26, 1923, on the ground of no United States or State record of the alleged service, and that from the best obtainable evidence the company was not called into the service in defense of the frontier of the State of Texas by duly constituted authority, but was a volunteer company organized for mutual protection against Indians.

From the evidence obtained upon special examination it appears that there was such an organization loosely organized and armed by Captain Roberts for protection against Indians. Claimant was a member, and the special examiner stated that he carries in his shoulder a bullet fired into him by an Indian in November, 1870.

It is shown by a certified copy of an article in the Austin Daily Republican of December 16, 1870, that claimant was wounded by the Indians while protecting the community from them. The copy was made by the librarian of the University of Texas.

Soldier's service is shown by the following affidavits:

I am claimant for pension for service in Capt. Alex Roberts's company, Texas Minutemen, from January to December 20, 1870. Captain Roberts was known as Capt. Buck Roberts.

In January, 1870, I was living with my father on the line of Llano and Blanco Counties, Tex., and in January, 1870, Captain Roberts made up the company in the two counties of Llano and Blanco.

It was this way, as I learned: In 1867 Captain Roberts organized a company and the company was in service more or less continuously from that time until 1870. In 1869, in the fall, we moved from Kendall County to the place I mentioned, on or near the line of Llano and Blanco Counties, and in January, 1870,

I, with my brother, James A. Patton, and Charles P. Haynes and Tom G. Shurgart, joined the company and served that year.

We were disbanded on or about December 20, 1870, and turned our guns over to John Harrington, lieutenant of the company, for return to the State.

There were 20 men in the company. We were out every light moon every month and at the last out practically all the time. We served in Llano, Blanco, and Gillespie and Burnet Counties. I was in a fight with the Comanche Indians at Spring Valley, in Blanco County, and I was wounded there by a pistol ball in the right shoulder and the bullet is there yet.

This was on November 7, 1870. Charles P. Haynes was in command of us. He was only a private, but the Indians came in and we got together and went after them. There were men in the fight that did not belong to the company, but they were men of the neighborhood, and when we started they went with us. We started 20 men strong, and when the trail grew cold, 8 of us, with Joe Smith, went back, and Haynes proposed that all the men who were willing to go to come with him, and we 12 went on. None of the men who went back were members of the company but were the stockmen working for Smith.

Q. The main point in this case is whether these men were actually enrolled men with officers or only citizens banded together to protect the community?—A. We were regularly enrolled men and were subject to call of Captain Roberts at any time and were to report without notice any time we heard the Indians were in. We were never paid for our service and received nothing for our service except we used Spencer rifles furnished by the State and the State furnished the ammunition. We furnished our own horses and everything but the guns and ammunition.

Q. A copy of a newspaper article in the Austin Republican of December 16, 1870, states you were wounded December 7, 1870?—A. Well, that is a mistake, for I was confined to bed for quite a while and moved to Travis County, and we came to Travis County on December 24, 1870, and it was then over six weeks after I was wounded. My father was living where I was at the time I was wounded and had lived there since the fall of 1869.

Q. You are positive that you were in Buck Roberts's company as early as January, 1870, and was a member of the company until December of that year?—A. Yes, sir.

Q. Was it generally known that Roberts had a company of minutemen then?—A. Yes, sir. We were on duty so much and so often that it was generally known.

Q. I have here a letter written by J. M. Patton, May 16, 1870, asking the appointment of officers for rangers and recommending that Alex. Roberts be appointed captain and stating that he did not know whether he would accept the appointment?—A. We had no ranger company but we did have a company of minutemen and the minutemen were on duty only when called out and rangers were continuously on duty. Evidently what father wanted was a ranger company?

Q. Who, except these named, were in that company, who are now living?—A. Well, there are Deve Harrington, but I do not know his address. My brother is here. Charles P. Haynes is at Round Mountain, Blanco County, Tex. J. J. Haynes, 1008 Avenue D, San Antonio, Tex. Now, J. J. Haynes did not belong to the company, but he knows they belonged to the company and was there when we joined. Of men who did not belong to the company but know the facts I can name J. F. Roberts (Jake), San Marcos, Tex., with his daughter, Mrs. Jones; Daniel W. Roberts, Llano, Tex. Both men are sons of—Capt. Alex. (Buck) Roberts, and they know that we had a company of minutemen. When I joined this company it was understood that when the State made an appropriation we would be paid for our services, but at what rate I do not remember, but we were never paid anything and furnished nothing by the State, except that we used State guns and the State furnished the ammunition.

I can not name any others who know the facts.

CICERO C. PATTON.

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I was well and personally acquainted with Columbus Patton in 1870. He enlisted in Capt. Buck Roberts's company, Texas Minutemen, in January, 1870, which company was organized in 1867, at Sandy, Llano County, Tex., by authority of the adjutant general of Texas for the purpose of protecting the Texas border from Comanche Indians, and served as such guard in Blanco and Llano Counties, Tex., from January to December, 1870.

I served with him in said company, which company was disbanded in 1872. I understand that the muster rolls were destroyed by fire. I am 78 years of age. My post-office address is Round Mountain, Tex.

C. P. HAYNES.

FEBRUARY 9, 1923.

I was well and personally acquainted with C. C. Patton in the year 1870. He enlisted in Capt. Buck Robert's company, Texas Minutemen, in January, 1870, which company was organized in 1867 at Sandy, Llano County, Tex., by authority of the adjutant general of the State of Texas, for the purpose of protecting the Texas border from Comanche Indians, and served as such guard in Blanco and Llano Counties, Tex., from January to December, 1870.

I served with him in said company, which company was disbanded in 1872. I understand that the muster rolls were destroyed by fire. I am 70 years of age. My post-office address is Austin, Tex., route No. 5.

J. A. PATTON.

FEBRUARY 7, 1923.

Claimant is 71 years of age.

It is shown by the evidence that he owns no property and has no income. His son is taking care of him.

A physician testifies that claimant is old and unable to work.

Congress has recognized the service of this company in one case and granted a pension thereon.

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

H. R. 11183. Mary N. M. Moore, the Rochambeau, 815 Connecticut Avenue NW., Washington, D. C., is the widow of James T. Moore, late major, Sixteenth Regiment United States Infantry. (Wid. Ctf. 815921.)

Mrs. Moore is in receipt of a pension of \$25 per month, the officer's death having been due to his military service.

The officer served during the war with Spain and was in the battle of Bayan, Lake Lanao expedition, Mindano, P. I.

His military service is as follows:

James T. Moore, born in Connecticut September 28, 1867, was a cadet at the Military Academy from June 16, 1888, to June 11, 1892, when he was graduated and appointed second lieutenant, Third Infantry; promoted to first lieutenant April 26, 1898; captain, Twenty-seventh Infantry, February 2, 1901; major, Sixteenth Infantry, February 13, 1915, and died May 14, 1916, at Fort Bliss, Tex., of gangrenous appendicitis, general peritonitis, in line of duty.

Claimant is 55 years of age.

She was married to the officer January 10, 1894.

It is shown by the evidence filed with the bill that she owns no property and has no income other than her pension and a small salary when able to find a position. She has a son with a family who is unable to contribute to her support.

The claimant stated, under oath, that during the year 1925 she received in pay for services rendered the Princeton School for Girls approximately \$300; resigning this position, she attempted to operate a tea room, which venture resulted in total loss, and that since January, 1926, she has been unable to secure employment.

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

H. R. 11226. Louis D. Argo, Mooresville, Ind., served in the regular establishment during time of peace in Company F, Third Regiment United States Infantry, from February 20, 1890, to December 20, 1891, when honorably discharged on surgeon's certificate of disability. (I. C. 811973.)

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

September 22, 1891, for spasmodic muscular action of extremities, in line of duty (cause not yet determined); September 22 to December 20, 1891, for primary stage of multiple cerebrospinal sclerosis in line of duty; discharged from service on surgeon's certificate of disability, December 20, 1891, cause primary stage of cerebrospinal sclerosis, contracted in line of duty. Nothing additional found.

In the year 1892 claimant was granted a pension under the general law at the rate of \$17 per month for disease of spine due to his military service. In the year 1906 his pension was increased to \$30 per month on account of said disability. His claim for increase, filed December 2, 1925, was rejected March 19, 1926, on the ground that the evidence failed to show by reason of pensioned cause, disease of spine, that he requires the frequent and periodical aid and attendance of another person.

Official medical examination of March 3, 1926, is as follows:

Body well nourished, muscles firm, skin healthy, extreme nervousness, general muscular twitching.

Hears ordinary conversation at a distance of 15 feet.

Vision 20/20, both eyes. No inflammatory condition of eyes.

Teeth badly infected, tongue furred, pharyngeal catarrh.

Tenderness over cervical and dorsal vertebrae, tenderness of muscles of neck and shoulders extending down left arm, complaints of left fingers tingling. No evidence of disease of vertebrae, no curvature of spine. Symptoms point to a neuritis.

Bronchial râles heard over upper lobes of both lungs.

Heart action good, no irregularity, no dilatation, no valvular lesion.

Tenderness and tympanities of stomach and intestines.

No hernia.

No disease of genito-urinary system.

No piles.

No swelling or varicose veins of lower extremities.

No evidence of vicious habits.

It is the opinion of the board that claimant does not require regular or frequent periodical aid and attendance of another person.

The claimant is 62 years of age and married.

It is shown by the evidence filed with the bill that claimant owns no property and has no income other than his pension of \$30 per month.

A physician stated as follows in his affidavit of December 17, 1925:

I am personally and intimately acquainted with Louis D. Argo, and have been for 25 years. That I am personally acquainted with his physical condition. He was a soldier in the United States Army, and while in service suffered from becoming overheated. When I first knew him he suffered constantly with head pains and pains in back along spine and his legs.

He had frequent attacks of what seemed to be a myelitis, and this has produced a chronic condition to exist, that makes him constantly uncomfortable. His walk is labored. Movements taken with great care, and he is physically unable to do any manual labor.

It is only a matter of a short time until he will have to have some one to look after him at all times.

In a subsequent affidavit this same physician stated the claimant is a physical wreck, nervous, palsied, difficulty in locomotion, mental condition bad, and has to be helped in dressing himself and looked after by others.

The soldier's physical condition is almost entirely due to his military service and it is recommended that his pension be increased to the rate of \$40 per month.

H. R. 11300. Mary E. Dolan, Astoria, N. Y., is the dependent mother of William T. Dolan, who served in the United States Navy, regular establishment, from September 18, 1908, to May 9, 1912, when he died of a cancer contracted in the line of duty. (Mother's Ctf: 752725.)

Sailor's father died in 1909, and the claimant is now pensioned at the rate of \$12 per month.

She is now 72 years of age and has no property and no income except her pension, and medical evidence shows that by reason of infirmities of age she is unable to perform labor of any kind.

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



