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

JANUARY 17, 1927.—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. 16389]

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:

H. R. 781. Francis M. Phares.
958. Mary F. Elliott.
1527. Minnie Jeffers.
2066. Edward Hail.
2252. Carl L. Setchell.
2256. Margaret McCauley.
2605. Kate Gurnett.
2803. Mary R. Philbrick.
2841. Hyram Colwell.
2977. Benjamin Ratliff.
3021. Michael J. Haggerty.
3331. Robert F. Davis.
6433. Emma R. Payne.
6613. Charles W. Morgan.
6641. Edward B. Snow.

H.R. 7637. Mary E. McCready.
5024. Eliza Blake.
8294. Sarah E. Stephenson.
10118. Frank T. Radliff.
10328. Lula Knotts.
10349. William E. Clark.
10719. Mont Graham.
11037. William J. Gentry.
11126. Claude Austin.
11146. Albert Boardman.
11215. Mary A. Kinsella.
11247. Harry A. Caskey.
11315. William Thaden.
11393. William Dooley.
11427. Emilie J. McEnery.
11442. James M. Smith.
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15747. Lizzie L. Brown.
15762. Esther Meece.
15764. Rosa Green.

15775. Frank Hornsby.
15787. Alice A. Whitten.
15805. Chester R. Freeman.
15935. Rupert O. Smith.
15998. John C. Brennessholtz.
16045. Sarah E. Sturgis.
16048. Jacob K. Goldsmith.
16200. Mary J. Marvin.
16314. Ida Ebner.

H. R. 781. Francis M. Phares, Cornland, Ill. (I. W. S. Ctf. 11374.)
This claimant was granted a pension of $20 per month as an Indian war soldier by a special act of Congress approved September 22, 1922, said action being based upon the following report:

H. R. 4566. Francis M. Phares, Sherman, Ill., served during certain Indian campaigns in Company E, Thirteenth United States Infantry, from February 14, 1866, to October 31, 1868, when honorably discharged. (I. O. 736595.) The records of the War Department do not show treatment in service for any disability whatever except he was treated in quarters in June, 1866; name of disability and duration of treatment not stated, and he was sick in hospital April 30, 1867; name of disability and duration of treatment not stated.

He filed a claim for pension October 30, 1899, based upon fever and resulting rheumatism, disease of back, diabetes, and disease of kidneys. It was rejected on the ground that a pensionable degree of disability therefrom had not been shown since date of filing claim.

He filed another claim April 22, 1910, based upon mountain fever and resulting piles, rheumatism, and disease of kidneys. It was rejected on the ground that origin in service and continuance since discharge had not been satisfactorily shown.

Two comrades testified that claimant contracted fever in the service which resulted in rheumatism and disease of kidneys. He furnished considerable lay and medical testimony showing continuance of rheumatism, from time of discharge to 1905, but it was not accepted as satisfactory by the Bureau of Pensions.

Boards of surgeons who examined claimant October 15, 1890, and August 31, 1892, differed in their findings, one recommending $8 per month for disease of kidneys and the other recommending $6 per month and $6 per month for disease of lungs.

The claimant filed a claim as an Indian war survivor under the act of March 4, 1917. It was rejected on the ground that soldier did not serve 30 days in any of the Indian campaigns, named in said act. However, it is shown by a report from the records of the War Department that he served about a year in connection with Indian hostilities at Fort Rice, Dak. The evidence submitted to the committee shows he is 74 years of age, owns nothing but household goods valued at $400, and has no income, being dependent on others. It is believed that he should be pensioned as an Indian war survivor at the rate of $20 per month, and it is so recommended.

He is now 78 years of age, married, owns no property and has no income other than his pension. This is shown by the evidence filed in support of the bill.

A physician states that claimant has been entirely unable to perform any manual labor for the past nine years; that he is very old and has an enormous, large scrotal hernia that interferes greatly when on his feet.

In view of the claimant's poor physical condition, advanced age, and that he served about a year in connection with Indian hostilities at or near Fort Rice, Dak., your committee recommends that his pension be increased to the rate of $30 per month.
H. R. 959. Mary F. Elliott, 626 North Colony Street, Meriden, Conn., is the widow of Henry A. Elliott, alias John Sullivan, who served during certain Indian wars, in Company H, Fourth Regiment United States Infantry, from May 20, 1874, to November 30, 1874, when he deserted. He was apprehended the same day and honorably discharged May 19, 1879, by reason of expiration of term of service. Again enlisted June 17, 1879, in Company B, Seventeenth Regiment United States Infantry, deserted December 6, 1881, and dishonorably discharged February 28, 1885. (Ind. War Wid. Ctf. 10773.)

The claimant is pensioned at the rate of $12 per month under the Indian war pension act of March 4, 1917, on account of the soldier’s service against the Northern Cheyenne and Sioux Indians in Wyoming in 1876.

She was married to the soldier December 29, 1886, and he died March 5, 1922.

Mrs. Elliott is 60 years of age.

It is shown by the evidence filed with the bill that the only property she owns is a house and lot assessed for taxation at $6,225 upon which she pays taxes of $154.14 per year. The original mortgage upon the house was for $3,500, now reduced to $896.58. Her gross annual income from all sources is $720. The claimant states her house is in need of a great many repairs, that she can hardly see, and that she spends more than her pension money on doctor bills; further, she has two sons who served during the World War and they do not contribute to her support, one being in the hospital at Fort McPherson, Ga.

A physician states that claimant is totally incapacitated, but that she persists in being around and trying to do her housework; that she is suffering from chronic cardio-renal disease, arterial hypertension, arthritis deformans, and neuritis; that she has an incurable eye and nasal condition due to paralysis of facial nerves and that she has constant attacks of dizziness.

The committee recommends an increase of pension to $20 per month.


The records of the War Department show treatment in service for acute diarrhoea, catarrh, and an ulcer, and he was discharged on account of stiffness of left knee joint due to an ulcer and for which later pensioned.

Soldier died April 15, 1922, of apoplexy and the widow’s claim has been rejected because death was not due to service.

Claimant was married to the soldier in 1882.

A copy of the public record shows that soldier died April 15, 1922, of apoplexy, and injury of left knee was given as a contributory cause. Dr. J. E. Jones testified that April 28, 1919, he was called to attend soldier suffering from general debility, running sores, and injury to left knee, and that he considered such disabilities contributed to his death which occurred later. Doctor Jones, however, was not the physician in last illness.
Claimant states that she is 71 years of age. She owns no property and has no income. A physician states that she has heart disease and anaemia and unable to work.

The member who introduced this bill states that it is a very worthy case, and unless pensioned she must go to a poor house.

A pension of $20 per month is recommended.

H. R. 1883. William D. Wilson. After having failed to procure a pension under existing pension law the claimant was granted a pension of $17 per month by a special act of Congress approved September 22, 1922, said action being based upon the following report:

H. R. 5315. William D. Wilson, 1728 North Thirteenth Street, Terre Haute, Ind., served during the war with Spain in Company A, Fourth Illinois Infantry, from April 26 to June 8, 1898, when honorably discharged. (I. O. 1355809.)

The records of the War Department show treatment in service as follows: June 3 to 9, 1898, acute diarrhea and a disability not due to service and line of duty. The soldier was discharged from the service by way of favor.

He filed a claim for pension January 17, 1907, based upon injury of left testicle, left hernia, disease of throat. It was rejected on the ground that the evidence did not satisfactorily connect said disabilities with his Army service.

A board of surgeons who examined him March 20, 1907, recommended a rate of $6 per month for disease of throat and $6 for disease of heart.

He filed another claim June 9, 1911, based upon vertigo and disease of nervous system, alleged result of sunstroke. It was rejected on the ground that origin and continuance of the disabilities was not satisfactorily shown.

The surgeon of the regiment testified that claimant was overcome with heat in July, 1898, and brought into the camp in a transportation wagon, the ambulance being crowded, and that he was treated for three or four days.

The hospital steward of the regiment testified that claimant was overcome with heat in the service and was given attention necessary, and soon afterwards was discharged from the service.

Both these medical officers testify that claimant had no venereal trouble in the service.

The duty sergeant of the company testified to the same effect as the medical officers as to the incurrence of sunstroke in service.

Two comrades testify that claimant’s throat was diseased while in the service. There has been an abundance of medical and lay testimony furnished showing that claimant was free from any disability when he entered the service and that he has suffered from intolerance of heat ever since his discharge from the service.

The Secretary of the Interior sustained the action of rejection on appeal.

With bill for special act claimant files his sworn statement to the effect that he is 69 years of age, blind in one eye, afflicted with rheumatism, disease of kidneys, vertigo, disease of throat, and nervous debility and is able to do but little work; that he owns property valued at $50, and has no income but the wages of his wife.

His statements are verified by lay witnesses and a physician. The evidence appears to justify the conclusion that claimant’s nervousness, vertigo, and disease of throat are due to his Army service, so a pension of $17 per month is recommended.

A bill has been introduced proposing to increase the pension of this claimant by another special act of Congress and the committee rejected the same. However, upon petitions by several Members of Congress and several Spanish war veterans posts the case was re-opened by the committee and finally considered.

The soldier is now 75 years of age, and it is shown by the evidence filed with the case that he has only a few household goods and his pension to support himself and aged wife.
A physician states that he has been treating the soldier for the past three years, and he can truthfully swear that the claimant is wholly unable to earn a livelihood by reason of senility, chronic colitis, myocarditis, rheumatism, total blindness in left eye, muscular palsy, extreme physical weakness with almost constant vertigo resulting in falls; also, constant pains in legs with muscular cramps.

In view of the soldier’s extreme age and very poor physical condition, it is recommended that he be granted an increase of pension to the rate of $24 per month.


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

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

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

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

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

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

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

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

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

The committee the first session of this Congress recommended that the soldier be granted a pension of $12 per month based upon
the above report. However, the item was stricken out by the Senate Committee on Pensions on the ground that the soldier's present ailments are not due to his military service, and that his condition is due to catarrh of the stomach which is not of service origin.

The member who introduced the bill files additional evidence and requests that the committee again report the bill favorably. The additional evidence is practically the same as hereinbefore cited.

The physician states that he has treated the soldier off and on for 15 years for chronic malaria, gastritis, and nephritis, and that he is about 50 per cent disabled for the performance of manual labor. The soldier also files the affidavits of two comrades stating that he suffered with malaria fever while in the hospital in the Philippine Islands, and that he has been one-half disabled for the performance of manual labor since discharge.

The committee recommends a pension of $12 per month.

H. R. 2252. Carl L. Setchell, Algona, Iowa, served during the war with Spain, in Company F, Thirteenth Regiment Minnesota Infantry, from April 29, 1899, to October 3, 1899, when honorably discharged. (Inf. Ctf. 1211571.)

The records of the War Department show treatment in service for bronchitis, simple fever, diarrhoea, dysentery, malaria, and vaccinia. All in the line of duty.

A claim under the general law was rejected in January, 1920, on the ground of no disability from malaria, dysentery, and constipation as alleged.

Claims under the Spanish War act of June 5, 1920, were rejected because of no disability independent of the results of specific disease, and he was then granted a pension of $15 per month by a special act of Congress approved September 22, 1922. (67th Cong., Rpt. 790, p. 38.)

In October, 1920, a surgeon who had examined him officially stated that he gave a positive Wassermann six months before he examined him and that while there was no evidence in the palate or lymphatic glands the diagnosis was positive.

The same surgeon examined him again January 20, 1921, and stated that he gave a positive Wassermann six months before he of both legs and that he was blind and appeared to be suffering from a tertiary specific infection of the central nervous system.

He is now 46 years of age, and is blind and paralyzed and unable to wait on himself, and has no control of his bowels or bladder, and all his property does not exceed $1,000 in value, and his income is about $40 per year besides his pension.

The Member who introduced this bill appeared before the committee and stated that this soldier's old mother has to take care of him as she would a baby and has practically no income to do it with.

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

H. R. 2256. Margaret McCauley, R. F. D. No. 1, Missoula, Mont., is the widow of Michael M. McCauley, who served as second lieutenant, San Joaquin Mounted Rifles, California Militia, from November, 1857, to December 29, 1860, and as captain of the Stanislaus Guards, California Militia, from December 29, 1860, to March 22, 1862, when honorably discharged. (I. W. W. Orig. 17205.)
Claims under the Indian war acts were rejected because it appears that the soldier did not serve in any of the Indian wars or campaigns named in said acts.

There is no evidence to show any actual Indian war service of this officer while captain of the Stanislaus Guards.

However, the adjutant general of California, under date of May 17, 1926, stated as follows in a report furnished this committee with reference to the service of claimant’s husband as lieutenant in the San Joaquin Mounted Rifles:

A careful search has been made of the records of this office, and we find that a man named M. McCauley was commissioned a second lieutenant of the San Joaquin Mounted Rifles, November, 1857, and served as such until December 29, 1860, at which time he was promoted to the grade of captain, Stanislaus Guard.

There is no record on file as to whether or not this officer or the company to which he was assigned rendered any active service against Indians. However, during the period of 1858-59 the California Militia companies had continuous service for over 18 months fighting the Indians and it is more than likely that this organization took part.

There does not appear to be any doubt as to the identity of claimant’s husband as the officer who served, as she has filed with the committee the original commissions issued to him by the governor of the State, with request that same be returned to her.

The claimant has also alleged other volunteer services of her husband, but does not know the designations of the companies and states that in an engagement with Indians his horse was shot under him and that he was wounded in his right leg.

The claimant was married to the officer August 23, 1870, as shown by a copy of the church record, and he died in April, 1903, and she has not remarried.

She is 82 years of age, and has no property and no income, and is in very needy circumstances.

Her sons help her a little in the way of garden vegetables and fuel, but they are not able to support her.

In view of the statement made by the adjutant general of California, as to the service of the State Militia, it is believed claimant’s husband had active service against Indians and it is recommended that she be granted a pension of $12 per month.

H. R. 2695. Kate Gurnett, 1372 South Main Street, Mansfield, Ohio, is the widow of William Gurnett, who served in the Regular Establishment in Company K, Eighth Regiment United States Infantry, from December 6, 1871, to December 8, 1876, when honorably discharged. (I. W. S. Orig. 10479; I. O. 1149550.)

A claim for pension under the general law filed by the soldier was rejected in 1895, on the ground that his disabilities were not due to his military service but to specific disease.

His claim filed under the Indian war pension act of March 4, 1917, was rejected January 16, 1918, because he did not serve in any Indian war or campaign named in the act.

The widow has never filed a claim and has no title under the Indian war pension act of March 4, 1917.

However, under date of October 12, 1925, The Adjutant General, United States Army, advised this committee as follows with reference to the soldier’s service:
This soldier remained at Davids Island, N. Y., until July 15, 1872, when with his command he moved to the Northwest. He was with his command in the Yellowstone expedition into Montana from July 21 to October 17, 1872; thence to May or June, 1874, en route to and at Fort D. A. Russell, Wyo.; thence to July 15, 1874, at Spotted Tail Agency, Dak., thence to October 20, 1875, en route to and at Camp Apache, Ariz., where he remained until the date of his discharge, except during a short period in the fall of 1875 and the summer of 1876 when on detached service, place not shown.

It does not appear that this soldier served in connection with any of the Indian campaigns named in the pension act of March 4, 1917. However, while with the Yellowstone expedition in 1872 he was at different times in the zone of active Indian hostilities. He was also with his company in an action with hostile Indians at Camp Apache, Ariz., January 9, 1876.

The Yellowstone expedition of 1872 was for the protection of engineers of the Northern Pacific Railroad against Indians and the soldiers with the expedition had encounters with hostile Indians as shown by a report of Captain Stanley on file in the War Department. The expedition lasted from July to October of that year.

In view of the foregoing it is believed that the claimant's husband should be regarded as having been an Indian war soldier and that she should be pensioned.

She has filed with the committee the affidavit of the minister showing her marriage to the soldier September 3, 1903, and record evidence showing that he died January 31, 1925.

Evidence has also been filed showing that she and soldier were living together when he died and that she has not remarried as well as evidence showing that she had not been previously married.

There has also been filed a verified copy of decree showing divorce of soldier's former wife in October, 1887.

He was married to this former wife in 1877.

The claimant is 50 years of age and has no property except personal effects worth about $100. Prior to soldier's death she kept boarders, but is now unable to do hard work. She has a son and a daughter married and a son 15 years of age. The married son assists her, providing food and shelter.

A witness states that the family has been poverty stricken and had to be helped by the neighbors.

A physician testifies that she has arteriosclerosis, heart disease, impaired sight and hearing, and other troubles.

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

H. R. 2803. Mary R. Philbrick, Post Office Box 144, Portsmouth, N. H., is the dependent mother of John Philbrick, who served during the Philippine Insurrection, in Company C, Twenty-sixth Regiment United States Volunteer Infantry, from August 8, 1899, to May 13, 1901, and as second lieutenant in the United States Artillery Corps, from July 1, 1901, to February 26, 1908, when honorably discharged. (Mother's Orig. 1039071.)

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

October 20 to November 10, 1900, febricula; November 17 and 18, 1903, indigestion acute, returned to duty. No addition record of disability found. He was honorably discharged in orders dated February 26, 1908, under the provisions of the act of Congress approved October 1, 1899, having been found professionally disqualified for promotion on reexamination by an examining board.

H. Rept. 1782, 69-2—2
The mother’s claim for pension was rejected on the ground that the soldier’s death from paresis (softening of the brain) was not shown to have been due to his military service, there being no record in the War Department and no medical or other evidence on file connecting said death cause with his military service.

It is quite evident that the soldier’s death on September 27, 1912, can not be proven to have been due to his military service.

It is shown by the evidence that the soldier was never married; that claimant is his mother and has not remarried since the date the soldier’s father died, October 9, 1884.

Claimant is 74 years of age. The evidence filed with the bill shows that she owns no property and has no income. The evidence also shows that she has no immediate family and is practically dependent on charity for support.

A physician states that claimant has been in poor health for the past seven years on account of stomach and liver trouble and that she is unable to make a livelihood.

Your committee in the Sixty-seventh Congress and also in the Sixty-eighth Congress recommended that claimant be granted a pension of $12 per month. However, the Senate refused to grant the same upon the following ground: “As claimant’s son’s death was not due to his military service, the mother has no pensionable status, and Congress has never provided otherwise.”

Your committee recommends a pension of $12 per month.

H. R. 2841. Hyram Colwell, R. R. No. 2, Manawa, Wis., served during time of peace in Company M, Twelfth Regiment United States Cavalry, from March 24 to October 8, 1906, when honorably discharged. (Inv. Cert. 1178074.)

Claim under the general law was rejected in January, 1907, on the ground that the wound of left foot was not incurred in the line of duty, as shown by the records.

Soldier was then granted a pension of $12 per month by a special act approved August 18, 1916, which rate was increased to $17 per month by another special act approved March 3, 1921, based on a report as follows:

H. R. 7998. Hyram Colwell, Manawa, Wis., served in the Regular Establishment, Troop M, Twelfth United States Cavalry, from March 24 to October 8, 1906. (Ct. 1178074.)

The records of the War Department show treatment in service as follows: May 12 to 21, 1906, contusion, slight, right side of chest, accidentally incurred by fall from horse at Fort Oglethorpe, Ga., May 12, 1906, in the line of duty; June 4 to 9, 1906, diarrhea, acute, in the line of duty; June 13, 1906, wound, gunshot, left foot, entrance point of anterior of internal malleolus, exit middle of sole of foot, caused by .30-caliber bullet from United States rifle, accidentally discharged at United States rifle range, Caloosa Springs, Ga., June 13, 1906, in the line of duty; June 13 to October 10, 1906, wound, gunshot, left foot, entrance front of anterior margin of internal malleolus, exit middle of sole of foot, caused by .30-caliber bullet from rifle accidentally discharged; August 15, 1906, ankylosis, slight, left ankle joint, loss of feeling and movement in toes, left foot, not in line of duty, line of duty previously reported “yes” was changed to “no” after consideration of additional evidence submitted by the troop commander, due to neglect on part of the soldier. Discharged from service October 10, 1906, on surgeon’s certificate of disability on account of pain in left foot, due to perforating gunshot wound, not in the line of duty.
He filed a claim for pension October 25, 1906, based upon gunshot wound of left foot. It was rejected on the ground that same was not incurred in the line of duty, as shown by the records of the War Department.

The disability was first stated as having been incurred in line of duty, and later, after investigation, it was decided that the wound was not incurred in the line of duty. It appears that he had been on guard and failed to take the cartridge out of his gun, and shot himself, thinking his gun was not loaded.

Congress allowed him a pension of $12 per month by special act August 18, 1916.

With this bill he files his sworn statement to the effect that he is partially disabled for labor by reason of his gunshot wound of foot; that he owns no property aside from household goods valued at $150, and has no income except his pension and what little work he can perform. He is 60 to 75 per cent disabled by reason of the wound of foot.

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

Claimant states that he is 36 years of age, and that he owns real estate and personal property worth $300 and that he has no regular income, and witnesses corroborate this statement.

Dr. Lloyd R. Bower, captain, Medical Officers' Reserve Corps, testifies as follows:

Personally examined this day Hyram Colwell, and find a complete atrophy of (progressive) muscles of the left leg from knee to toe, also a complete ankylosis of the ankle, all due to a gunshot wound, bullet entering at point of anterior of internal malleolus and making an exit from the middle of the sole of foot. This causes a loss of feeling and movement from ankle to tips of toe. This loss of movement continuing over this great period of time has produced the progressive atrophy of the muscles of the leg. This sum total producing a permanent limp that is progressive in nature. Other physical findings are a valve leakage plus a small arrested cavity in right apex (right lung); blood findings show an anemic trace.

I personally knew this man previous to this enlistment in the Army, and know that he was physically sound at that time. I have at various times attended him and his family since his discharge and have personally observed his physical condition since discharge and know that it is of a progressive nature. The above diagnosis covers laboratory X-ray and physical examination. I can also state that the Old Line Life Insurance Co., of Milwaukee, and the Prudential Life Insurance Co., of Newark, N. J., have positively refused this man any form of insurance. The refusal was on physical grounds.

This man's condition is chronic and progressive in nature and is between 80 per cent disability and positively prohibits him from doing any form of manual labor.

This is truly a worthy ease for consideration in an increase of pension. All record, X rays, etc., on file in this office for your inspection.

He further declares that he has been a practitioner of medicine for 13 years.

JANUARY 10, 1924.

LLOYD R. BOWER, M. D.

Dr. W. Irvine, captain, Medical Reserve Corps, testifies as follows:

That he is a practicing physician and has been acquainted with the above-named soldier for about 20 years, and that I treated said soldier on his return from the Army, 1906; left foot was injured by gunshot wound in service, bullet penetrating through arch of foot, leaving a weak, painful, stiff foot, which is disabled on account of the ankylosis caused by injury and still has to wear a support, and condition is permanent. He had a severe injury of chest in Army, horse falling on his chest, fracturing seventh, eighth, and ninth ribs near border of sternum on right side. Chest has caused him a permanent injury; chest injury incapacitates him from manual labor, and with foot injury makes a total of at least three-fourths total incapacity for manual labor; and claimant is entitled to increase of pension.

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

JANUARY 15, 1924.

W. IRVINE, M. D.
Dr. John C. Johnson, major, Medical Officers' Reserve Corps, testifies as follows:

Physical examination of Hyram Colwell, an honorably discharged soldier from Troop M, Twelfth United States Cavalry, October, 1906, discharged for disability resulting from gunshot wound left arch and fall from horse.

I, John C. Johnson, major, Medical Officers' Reserve Corps, have this day examined Hyram Colwell and find that, as the result of gunshot wound in left ankle, there is present marked scar with deformity and ankylosis of the ankle, shrinking of muscles. Suffers with pains, walks with a limp, has to wear constantly an ankle brace. Examination of chest reveals a leakage of heart (mitral), shortness of breath, some edema of limbs, complains of pain in chest, pulse is rapid, has slight tremor of hand, is extremely nervous, has a defect of speech resulting from wound shock, is unable to do manual labor. Disability three-fourths. Physical appearance poor, underweight, pallor of skin.

This soldier, in my judgment, is entitled to an increase of pension by reason of the chronic condition, which I believe will increase with age.

JOHN C. JOHNSON, M. D.

JANUARY 15, 1923.

A number of other witnesses have also testified as to the claimant's condition from wound of foot and other causes.

There has also been filed an unsworn statement of the president of the North Western School for Stammerers and that claimant came to the school as a student. The doctor states he has treated many stammerers in the school since the World War brought on by shell shock, and he stated he had no doubt but that claimant's condition was brought on by shock when wounded.

Drs. John C. Johnson and W. Irvine again testify and state that soldier's condition has not improved, and Dr. Edmund C. Hack, of Hammond, Ind., testifies as follows:

This is to certify that while on a fishing trip to northern Wisconsin on the 17th day of August, 1925, I was called upon to examine Mr. Hyram Colwell, of Manawa, Wis., and found the following condition existing: Scar over site of injury to left ankle, with a very marked ankylosis. Walks with limp, and says there is pain on motion; marked atrophy of muscles of leg; appears to be underweight; has a very marked pallor; breathing rapid (do not recall rate); leakage of heart; extremely nervous; has a halting speech, with stammer.

Mr. Colwell says that while in the Army and a member of Troop M, Twelfth United States Cavalry, he received a gunshot wound in ankle at site of scar, and also a fall from horse.

I am certain that this injury is responsible for ankylosis mentioned, and perhaps for the other conditions mentioned.

An increase of pension to the rate of $24 per month is recommended.

Your committee recommended that this soldier's pension be increased to $24 per month last session. However, the Senate Committee on Pensions struck out the item on the following grounds:

This claimant is only 36 years of age. None of his ailments were contracted by him during his term of service in the Regular Army in the time of peace covering a period of seven months. He has already had two special acts; the last one in 1921 which increased his pension to $17 a month, which he is now receiving.

A member interested in this bill states as follows:

I am convinced that the facts in this case warrant the conclusion that he did contract his major disability in the service and in line of duty. This man only served a little over six months, in Company M, Twelfth United States Cavalry, in 1906, but he was honorably discharged for disability. He applied
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for pension, but the Pension Bureau rejected the claim because the War Department had reported the injury as not in line of duty. I went to the Pension Bureau a few days ago and looked over the papers in this man’s case, and the uncontradicted evidence shows the following: The soldier had been on guard duty during the night. He carried a rifle holding five cartridges. Under the regulations it was his duty to remove the cartridges when going on guard duty. He says that he pulled the ejector of the rifle five times and felt sure he had taken all cartridges out. He did this on a stormy and dark night. Early in the morning he got back to his sleeping quarters in a tent, and as it had been raining, he proceeded to clean his rifle. While doing so, and while he was under the impression that all cartridges were out of the rifle, one cartridge which had remained in the rifle, went off and he was shot through the foot. Shortly thereafter an officer examined the rifle and found that a piece was broken off the ejector of this rifle which probably was the cause of the ejector failing to remove all five cartridges. The officers first decided this man was injured in line of duty, but later changed this to “not in line of duty” because they considered the soldier was guilty of negligence. In my judgment this man perhaps did not exercise the highest degree of care, but he is not required to be perfect in his conduct, and it seems to me it should be ruled by this committee that he was injured in line of duty.

In view of his condition as stated in the report I believe that justice requires a reconsideration of his case and I urge that the committee repass the bill and give the Senate committee another opportunity to consider it.

The committee again recommends that the claimant’s pension be increased to $24 per month.

H. R. 2977. Benjamin Ratliff, National Home, Danville, Ill. Your committee during the Sixty-eighth Congress recommended that this soldier be granted a pension of $12 per month upon the following report:

H. R. 5447. Benjamin Ratliff, National Home, Danville, Ill., served in the regular establishment, in Company F, Twenty-fifth Regiment United States Infantry, from August 4, 1870, to August 4, 1875, when honorably discharged. (Inv. Orig. 1411947.)

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

May 17 and 18, 1871, tertian intermittent fever; July 18 to 20, 1871, headache; March 30 and 31, 1872, tonsillitis; November 28 to December 1, 1874, inflammation tonsils; December 18, 1874, to January 1, 1875, acute rheumatism. No additional record of disability found.

In a claim filed under the general law the claimant alleged that in Texas in May, 1873, while doing guard duty on mail coach, the horses, frightened by attacking Indians, ran away, and he, thrown from the coach, was run over by the wheel, injuring heart and lungs, and also that he was treated for rheumatism during his service.

This claim was rejected first on the ground of no ratable degree of disability shown since date of filing from alleged rheumatism and injury of heart and lungs and, a little later, on the ground of no record, no medical or other satisfactory evidence showing origin in service or existence at and since discharge of disease of heart and lungs alleged as the result of injury, and of no medical or other satisfactory evidence to show existence at and continuance since discharge of the alleged rheumatism.

The claimant’s only medical examination was made in January, 1914, and in the certificate of that examination it is stated that claimant complained of pains in all joints, but that no objective signs of rheumatism were found.

A claim filed under the act of March 4, 1917, was rejected on the ground that the records of the War Department do not show that claimant participated in the campaigns against the Kiowas, Comanches, and Cheyennes in Texas in 1874 and 1875, and that he does not claim to have served in any other Indian campaign.

A recent report from the War Department addressed to this committee shows that claimant did not serve in any of the Indian campaigns named in the act of March 4, 1917, and that nothing is found to show that he served in connection with any other active Indian hostilities.

The claimant is now 72 years of age. He is a colored man, now a member of the soldiers’ home, and it appears that he has been a minister at least a part of the time since his discharge. He claims that he has no property and
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no income, and evidence filed in support of the bill corroborates his allegations as to lack of means.

Dr. Edward J. Wheatley testifies that claimant suffers from chronic myocarditis with arrhythmia, hemorrhoids, slight edema of legs, chronic constipation, chronic rheumatism, and prostatic hypertrophy.

Claimant's service was rendered at a time when conditions in Texas were unsettled, and without doubt he had to undergo hardships during his service.

As he served in no recognized Indian campaign he is not entitled to pension under any existing law except for disability due to service.

There is a record of his treatment for rheumatism in service, and two comrades testified in his pension claim that he walked lame and complained of that trouble while a soldier, one of them also stating that he saw claimant in January, 1876, after discharge, and that he then walked lame and complained of rheumatism.

Three other lay witnesses testified that claimant complained of and apparently suffered from rheumatism from about the time of his discharge up to 1914, and in 1914 Dr. J. T. Castor testified that to his personal knowledge claimant had been disabled by rheumatism for about one year.

This evidence was considered in the Bureau of Pensions, and it must be admitted that it is not strong and convincing when considered in connection with the medical examination.

However, it is believed that claimant's present physical condition may be in part due to the hardships of his military service, and the allowance of pension at the rate of $12 per month is recommended.

The item was stricken out in the Senate on the ground of no disability shown due to service.

Claimant is now about 75 years of age (he says 78), owns no property, and has no income and wholly incapacitated for performing manual labor.

It is again recommended that he be granted a small pension of $12 per month.

H. R. 3021. Michael J. Haggerty, Soldiers' Home, Sawtelle, Calif., served in the regular establishment on the U. S. S. Bennington, United States Navy, from April 23, 1895, to April 27, 1896, when he was honorably discharged by reason of an injury to his right knee, in line of duty. By accident on board ship a shell fell and injured his right knee. (Navy I. Ctf. 24904.)

Claimant did not serve during any war and has title to pension only for disability due to his service and in the line of duty. He is now pensioned under the general law at the rate of $8 per month for injury to his right knee. Claim for increase was in 1921, rejected on the ground that the evidence failed to show that a higher rate of pension was warranted.

Medical examination of March 30, 1921, disclosed only a very slight exaggeration of the knee reflex and that he did not use a cane in walking. However, medical examination of July 8, 1896, gave him a rating of twelve-eighteenths for injured knee. It does not appear that claimant could receive an increase of his pension in the Pension Bureau at this time. He is 57 years of age and an inmate of a soldiers' home.

The evidence filed with the bill shows that he is wholly unable to perform manual labor by reason of chronic and active tuberculosis (not due to his naval service) and a partial disability of right knee, due to his naval service. He has no property or income other than his pension and is not married.

The assistant surgeon of the soldiers' home states that claimant is suffering with far advanced pulmonary tuberculosis, arthritis of right knee, and varicose veins of both legs.
Last Congress your committee recommended that claimant's pension be increased to $12 per month. However, the item was stricken out by the Senate on the ground that claimant's present rate of pension ($8) fully covers disabilities of service origin and he is an inmate of a soldiers' home.

Claimant has a disability due to his naval service, and in addition has far advanced pulmonary tuberculosis, and it is again recommended that his pension be increased to the rate of $12 per month.


This soldier is now pensioned under the general law at the rate of $12 per month for rheumatism and resulting disease of heart contracted in the service and a claim for increase of pension was rejected February 17, 1925.

This action was based upon a certificate of official medical examination in which the board recommended a rating of $12 per month.

Soldier is 62 years of age and in January, 1926, he stated that he had $900 in cash and a second mortgage on a house and lot in Clarendon, Va., worth about $8,000; that he received a small rental which went to the support of a minor daughter and that his annual income was $480, and a salary of $1,200 from the Library of Congress.

He now states under oath that the $900 in bank represents estate money which belongs to his children and that the $8,000 equity in the house in Clarendon, is likewise a portion of the estate of his children, and that he is solely dependent upon his salary and his small pension.

In January, 1926, two witnesses substantially supported his statement as to property and income.

A physician then testified that he had chronic rheumatism and disease of heart and an injury to right hip; that the disease of heart caused shortness of breath and vertigo, causing him to fall prostrated, that he had lost 30 pounds in the last two years; and that he was entirely unable to perform manual labor.

It is also shown that he was absent from his employment by reason of sickness 17 days in 1922—11 2/3 days in 1923, and 23 days in 1924.

As the soldier's disability is shown due to his military service, an increase of pension to the rate of $17 per month is deemed warranted and this is recommended.

H. R. 6176. Joseph C. Petres, Northern Pacific Railway ticket office, Livingston, Mont., served during time of peace in the United States Marine Corps from October 25, 1904, to October 24, 1908, and from April 27, 1909, to April 26, 1913, when honorably discharged. (Inv. Orig. 1417496.)

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

**NOTE.—April 25, 1913.** Has been under treatment for nervous tremors lower eyelids. Lenses changed and on examination a hypermetropic astigmatism was corrected. Refraction 20/20 S. without glasses.
The alleged chronic constipation, tubercular symptoms, and disease of heart
do not appear to be of record.
There were no physical defects noted at enlistment.
There were no physical defects disqualifying him for reenlistment noted at
date of discharge April 26, 1913.

It is also shown by the records of the Marine Corps that on Decem-
ber 5, 1914, one year and seven months after discharge, claimant
was examined for reenlistment but was rejected, the following
defects having been found:

Double heart murmur, tachycardia; signs of infiltration right upper lobe,
probable tuberculosis; medium hemorrhoids, large left varicoce1, and under
weight.

His claim for pension filed December 14, 1914, was rejected. That
part of the claim based on disease of heart and lungs on the ground
of no record in the Navy Department of said disabilities and of
claimant's manifest inability to furnish satisfactory evidence to
show origin or existence of same at date of discharge. That part
based on constipation and impaired hearing on the ground of no
ratable degree of disability from the same.

The claimant stated that he was very constipated while in the
service and that this condition caused his heart and lung trouble.
The medical referee, in a slip dated September 4, 1915, stated that
claimant's disease of lungs and heart were shown ratable but could
not be accepted as due to constipation. No record of treatment for
constipation.

Acting Asst. Surg. Z. A. Barker, United States Marine Corps,
stated that he remembered of having treated the claimant for
constitution during the year 1912, but had no recollection of him
having affection of lungs, heart, or eyes.

John B. Sechler made the following affidavit May 10, 1915:

I have known the above-named claimant, Joseph C. Petres, since August,
1910, we being both attached at that time to the United States Marine Corps
recruiting party of the recruiting district of Michigan. From August, 1910,
until the 1st of January, 1912, the claimant served in the recruiting office at
Toledo, Ohio, while I served in the recruiting office at
Detroit, Mich. During
this time I had the opportunity of meeting the claimant on several occasions.
On January 1, 1912, the claimant was transferred to the recruiting office in
the United States Marine Corps February 14, 1913. I knew the claimant inti-
mately. To my certain knowledge he developed and suffered with constipatiok
from about May 1, 1912, which afterward became chronic, despite the fact
that he was treated for this ailment by both Passed Asst. Surg. R. W. Plummer
and Acting Asst. Surg. Z. A. Barker, United States Navy. To my certain know-
ledge, also, the claimant's general health suffered as a result of this ailment.

The claimant was discharged from the United States Marine Corps on April
26, 1913. We have continued our intimate friendship since we returned to
civil life, and for this reason I know that the claimant still suffers from
chronic constipation and general poor health in consequence.

In the matter of the heart and lung trouble as set forth in the affidavit of
the claimant, to my certain knowledge the claimant was under observation by
Passed Asst. Surg. R. W. Plummer, United States Navy at Detroit, Mich., for
about three weeks, Doctor Plummer being of the opinion that the claimant
was developing tuberculosis. I do not recall the exact dates covering the
above period of observation but do know that it was during the fall of 1912.
To my certain knowledge also, on several occasions after the claimant had
contracted constipation he complained to me of pains in the region of his
heart. The first of these occasions was, if I remember correctly, on a trip
the claimant and I made from Detroit, Mich., to Philadelphia, Pa., during
December, 1912, the claimant and I acting as guard for a United States Marine
Corps prisoner.
Surgeon Plummer, United States Marine Corps, however, stated he had no recollection of the case, but made it a rule to note everything of importance on the record when he treated a marine.

Other comrades made similar statements to that of Mr. Sechler.

A practical nurse stated that while spending Christmas holidays of 1912 at claimant’s home he complained of having pains in left breast and that the Navy doctor told him (claimant) that he may be developing heart trouble and lung disease.

Other witnesses stated that in 1912 and 1913 the claimant was very thin and in poor health.

Official medical examination of April 21, 1915, disclosed:

Lungs: Dullness over upper lobe of right lung on percussion, on auscultation increased vocal fremitus. No cough or complaint of pain. No rise of temperature when taken by this board. Do not know if he has irregular rise in temperature.

Diagnosis: A tubercular spot no doubt which has healed and is now in quiescent.

The board also rated soldier 14/18 for disease of heart and stomach.

Claimant is 41 years of age, and has a wife and two children to support.

It is shown by the evidence filed with the bill that he owns no property and that his income is from his salary of $2,700 per year when able to work. Claimant states that he is in debt $1,000, and that the railroad company for which he works last year permitted him to work in the West, and his doctor says he must go to a dry climate. Claimant has returned to the West.

A physician states as follows:

The rales in both apices are well marked still, as they have been for the past three years to my knowledge. His general condition is a little better since his summer in Yellowstone, and his weight is about 3 pounds better, but he still in my opinion is a case of slowly progressive tuberculosis. I believe that, although I was unable to detect it on my first examination in 1918, it was present at that time and for a long time previously and was responsible for his run-down and anemic condition, the tuberculosis and hemorrhoids forming what we call in medicine a “vicious circle.” He has been unable to perform his duties about half the time since I have known him.

In view of the fact that the claimant is shown to have had tuberculosis a little over a year after discharge and of the other evidence that he was in poor condition after discharge and rejected for re-enlistment, your committee recommends that he be granted a pension of $17 per month.

H. R. 6433. Emma R. Payne, 822 Oak Street, Carthage, Mo., is the widow of Robert N. Payne, who served during certain Indian wars in Troop G, Nineteenth Regiment Kansas Cavalry, from October 19, 1868, to April 18, 1869, when honorably discharged. (I. W. W. Ctf. 8985.)

Claimant was married to the soldier September 13, 1883, and he died August 1, 1896.

She is now 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 states her income is $144 per year (pension).

Witnesses corroborate her, and state she makes her home with a sister.
A physician testifies that she is totally disabled for work from gastritis, myocarditis, cholecystitis, and other causes.

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

This item was stricken out of O. B. 9961 by the Senate the first session of this Congress, upon the following grounds:

The claimant is only 61 years of age and is not helpless. She is drawing $12 per month, the legal rate for the widow of an Indian war soldier.

Your committee again recommends that claimant’s pension be increased to $20 per month, as she is totally disabled.

H. R. 6613. Charles W. Morgan, Rural Route No. 2, Box 26, Onamia, Minn., served during certain Indian wars in Company H, Thirtieth Regiment United States Infantry, from September 3, 1867, to March 21, 1867, when transferred to Company B, Fourth Regiment United States Infantry, and honorably discharged September 3, 1870. (I. W. S. Ctf. 8967.)

He has no disabilities of service origin.

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

He was born September 3, 1848, and will be 78 years of age in September, 1926.

It is shown by the evidence filed with the bill that he owns 80 acres of unimproved land worth about $800 and that he has no income other than his pension.

His wife is over 70 years of age, unable to walk alone, and requires constant attention.

A physician states that the soldier is wholly unable to work by reason of chronic interstitial nephritis, hypertrophied prostate, mitral insufficiency, and chronic arthritis.

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

H. R. 6641. Edward B. Snow, Waverly, N. Y., served during the Philippine insurrection from December 2, 1899, to February 17, 1900, in Troop K, First Regiment United States Cavalry, when he was discharged, as shown by the records of the War Department, for a disability not due to his military service (78 days of service). The soldier never filed a claim for pension in the Bureau of Pensions.

A bill has been introduced proposing to grant him a pension by a special act of Congress.

The claimant states that he is wholly incapacitated for earning his support by manual labor by reason of heart trouble, low blood pressure, anemia, and nervous prostration, and that when he was discharged he was suffering from inflammation of the spine received while grooming a horse outside of regular stable hours, and that he believes his disabilities are directly due to this injury.

The Adjutant General of the War Department states as follows from the records of his office relative to the soldier’s discharge:

As stated in my letter of January 6, 1927, the records show that Edward B. Snow, private, Troop K, First United States Cavalry, was honorably discharged February 17, 1900, on a surgeon’s certificate of disability for tubercular osteitis of spine, lumbar region, with left lateral curvature and compensatory scoliosis in dorsal region, not incurred in line of duty.
The officer who recommended the discharge of this soldier stated on February 11, 1900, that he joined the troop December 6, 1899, went on sick report December 13, 1899, and had been sick ever since. He further stated that he did not believe that the disability could have arisen in the short period of the service of the recruit. The surgeon who examined him found that he was suffering from "tubercular osteitis of the spine, lumbar region, with left lateral curvature and a compensatory scoliosis in dorsal region. Unable to assume upright posture," and further stated, "it is my opinion that the disability was incurred prior to his enlistment. No history obtainable except that in June, 1898, sustained fracture of right clavicle by colliding with street car while riding a bicycle and repeating the same thing the following month by colliding with another wheelman." Nothing has been found of record to show that this soldier was injured while grooming a horse outside of regular stable hours.

The soldier filed the affidavits of two witnesses to the effect that the soldier was sound prior to his enlistment and that he came home from the Army with a disability and has never recovered since. These witnesses do not state the nature of the soldier's disability.

The claimant is 49 years of age, owns no property, and has no income except what he is able to pick up at times.

One witness states that his father is dead and the soldier has to depend upon his mother.

A physician states that the claimant is wholly unable to perform any manual labor by reason of enemia, weak heart and circulation, and general nervous prostration; and that he made an affidavit for the soldier to be filed in the pension case relative to his treatment prior to and subsequent to the service. This affidavit is not on file and the soldier has never filed a claim for pension in the Pension Bureau.

The soldier rendered but 78 days of service, during the war with Spain, joined the troop December 6, 1899, went on sick report within a few days (December 13, 1899), and was discharged for a disability as stated in the records of the War Department not due to his military service and there is nothing to show that he received any injury in the service.

A pension of $12 per month is recommended.

H. R. 7169. Edward H. Packer, Shawnee, Ohio, served during the War with Spain in Battery H, First Regiment Ohio Light Artillery, from June 21 to October 23, 1898, when honorably discharged. (Inv. Orig. 1431685.)

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

August 2 to 4, 1898, bruised shin, fell over tent ropes, in line of duty; August 16 to 29, 1898, acute diarrhea and cramps, complication, malaria fever, in line of duty; furloughed August 29, 1898 (G. O. No. 114, 1898); returned to duty September 12, 1898. No additional record of disability found.

In the year 1919 the soldier filed a claim for pension under the general law claiming that he had locomotor ataxia, the result of syphilis innocently contracted while in the service by using the same cups and other things used by two members of his company who had syphilis.

The soldier's statement of November 9, 1920, is as follows:

I am the above claimant. I never was treated while in the service for syphilis which I contracted as stated in my claim for original invalid pension, for the reason I did not know I was so afflicted, for I did not know what was the matter with me for a short time after my discharge, when it first appeared on my lips and in throat.
For the reason above stated, I am not able to furnish the affidavit of a surgeon or assistant surgeon as to treatment for or that I was afflicted with said disease in the service. I do not know of any commissioned officer of my organization that knows, the facts under which I became afflicted as stated in my application for pension.

I ask that affidavits of my comrades who served with me and who were privates be considered in place of commissioned officers.

EDWARD H. PACKER.

To substantiate his statements he filed the affidavits of two comrades who served in the same organization with him. These witnesses, John Noble, Jr., and Homer P. Arnold, stated that claimant was compelled while in the service to use articles in general used by two soldiers (Dyar and Lemon) who were infected with syphilis, and in this way contracted this disease. He also filed evidence to show that he was a man of good moral character and that he did not have syphilis prior to enlistment.

After a special examination, the claim was rejected March 26, 1921, on the ground of no record, medical, or other satisfactory evidence showing origin in the service and line of duty, or existence at discharge of the alleged disabilities.

His claim under the Spanish War act of June 5, 1920, was rejected November 27, 1922, on the ground that he was not disabled in a ratable degree independent of the effects of specific disease.

Special examination of the claim disclosed that the affidavits of the claimant's two soldier witnesses were probably prepared by an attorney and that the witnesses had no actual knowledge that claimant contracted syphilis in the service, and in the way first stated by them. Several officers and other members of the soldier's company stated that all members of the organization had their own dishes and cups, and it was not necessary for others to use them. The soldier "Dyar" was shown to have been a man of very good character and not shown to have had syphilis while in the service. The other soldier "Lemon" probably had some sort of venereal disease.

The soldier stated that the first he knew that he had syphilis was in October or November, 1898, or about three weeks after he returned home from the service when Doctor Davis told him that he had a syphilitic throat, and that he had never been troubled with a sore throat before. Doctor Davis stated that he had never treated claimant prior to enlistment except for ordinary colds, but about three or four months after claimant's discharge he treated him for throat trouble and suspected syphilitic trouble. However, he found no outside symptoms of syphilis such as sores on lips or private parts, that he examined soldier's penis at that time, and found no chancre or scars, but did find enlargement of the glands in the groin, both sides.

The claimant after he returned home from the service and within a few months left for Cleveland, Ohio, where he remained nearly a year, and then returned home and married this doctor's sister. Doctor Davis also stated that he believed he treated claimant before he went to Cleveland, Ohio, and found symptoms of syphilis. He kept no record.

Locomotor ataxia did not develop until 18 years after the soldier's discharge from the service.

The claimant also stated that immediately after his marriage in 1900, his wife contracted syphilis from him. He also stated to the
special examiner that about a month after he went to Cleveland in 1899 he had a sore or ulcer on his penis; also one on the gland that had to be lanced, and that the sore on his penis did not heal for three months. This looks as if the claimant did not contract the disease innocently, but probably contracted this disease while in Cleveland, Ohio.

Official medical examination of September 7, 1921, is as follows:

Locomotor ataxia: He has locomotor ataxia or at least some spinal cord disease with similar symptoms. The reflexes are practically absent. There is no hemiplegia. There is paresis of muscles of lower extremities.

Paralysis bladder: Irregular control, or no control at all at times.

Weak eyes: The eye condition is much improved since proper glasses have been secured.

Diarrhea: He complains of diarrhea after an unusual period of constipation.

Rheumatism: There are no evidences of rheumatism, but we think pains complained of are due to spinal disease.

The cervical inguinal and iliopectineal glands are enlarged.

Syphilis: We can find no scar of primary lesion, and in view of the fact that his immediate associates had the disease, we think it quite probable that he innocently contracted it while in the service and living in such close association.

This man is so disabled from spinal disease as to be totally incapacitated for physical labor and is entitled to $30.

Claimant is 48 years of age. The evidence shows that he owns no property other than a house worth $2,000, and that he has no income other than $720 per year, his salary as custodian of Shawnee, Ohio, public-school properties.

A physician states that claimant is wholly incapacitated for earning his support by manual labor by reason of locomotor ataxia. The witnesses also state that claimant can only do light work. The claimant has three living children (all girls and living with him), born January 29, 1905, June 13, 1907, and April 5, 1909.

Official medical examination of September 7, 1921, disclosed no scar of primary lesion.

A pension of $30 per month is recommended.

H. R. 7637. Mary E. McCready, Fayette City, Pa., is the widow of Alexander McCready, alias McReady, who served in the Regular Establishment in Troop B, Sixth Regiment United States Cavalry, from December 10, 1870, to November 21, 1873, when honorably discharged. (Inv. Ctf. 267435, Wid. Orig. 1236081.)

The soldier was first pensioned under the general law at the rate of $6 per month for injury to his right hand received while in the service. His claim under the Indian war pension act of March 4, 1917, was rejected because the records of the War Department did not show that he participated in any Indian war or campaign named in that act. However, upon a report from the War Department showing that the soldier rendered as much active service against hostile Indians as some who were pensioned under the law, Congress, by a special act approved December 8, 1924, gave him an Indian war pension of $20 per month.

The Adjutant General, United States Army, stated as follows relative to the soldier’s service against Indians:

The records show that during the period of this soldier’s service in Kansas that State was the zone of many hostile raids and depredations by Indians, some of them in the near vicinity of Fort Hayes and on the Saline and Solomon
Rivers, and this soldier may therefore be regarded as having been in the zone of actual Indian hostilities in Kansas in 1872-1875 for over 30 days.

The soldier died July 15, 1925, of acute heart trouble, and claimant, to whom he was married April 1, 1880, has no title to pension under existing pension laws. It is clearly shown by the evidence that the applicant is the soldier's lawful widow, and that she has not remarried. Both had one prior marriage. The soldier's first wife, Mary, died December 10, 1879, and claimant's first husband, John Livingston, died in February, 1877. Livingston was not a soldier.

The claimant is 67 years of age, owns no property, and has no income. She is supported by her son.

A physician states that claimant is totally disabled by reason of age and stomach trouble.

In view of the fact that Congress has recognized the soldier as having been an Indian war soldier, it is no more than right to recognize the claimant as the widow of an Indian war soldier, and it is recommended that she be granted a pension of $12 per month.

H. R. 8024. Eliza Blake, Lyons, N. Y. is the widow of Louis H. Blake, who served in Company H, Sixteenth Regiment United States Infantry, from October 22, 1879, to October 21, 1884, when honorably discharged, and who subsequently served in Company A, Twenty-first Regiment United States Infantry, from April 9, 1888, to March 26, 1890, when honorably discharged. (I. W. W. O. 17395.)

The soldier was granted a pension of $20 per month by a special act of Congress, because The Adjutant General, United States Army, reported that while nothing had been found to show that he served in any of the Indian campaigns named in the Indian War pension act of March 4, 1917, he did serve in the field in New Mexico, from May to November, 1880, in connection with other Indian hostilities.

He died June 13, 1925, and the widow's claim for pension under the act of March 4, 1917, has been rejected because the soldier did not serve in any campaign named in the Indian war act.

She was married to the soldier October 17, 1914. This was his fourth and her third marriage.

Competent evidence, however, has been furnished the committee which shows that her first husband died December 21, 1885, and her second husband September 15, 1912. A copy of the decree has also been filed with the committee showing that the soldier was divorced from his first wife, October 10, 1882, and evidence has also been filed showing that his third wife died March 18, 1913.

It appears that he and his second wife had separated somewhere in the West, and no competent evidence could be furnished to show what became of her. However, there does not appear to be any good reason to doubt the validity of claimant's ceremonial marriage to the soldier in 1914, of which there is a record.

The claimant is 78 years of age and, of course, unable to earn a living by labor.

She states that she owns real estate in the village of Lyons, N. Y., valued at $1,750, and that she had $1,200 in bank, and this was all the means she had, and that her income derived from the small bank account.
Her brother testifies that claimant has very little means other than her little home, which is not sufficient to care for her in her old age. As the soldier rendered Indian War service the committee recommends that this aged widow be granted a pension of $12 per month.

H. R. 8294. Sarah E. Stephenson, Coffeen, Ill., is the widow of William N. Stephenson, who served during certain Indian wars in Company E, Thirteenth and Company E, Thirty-first Regiment United States Infantry, from January 22, 1866, to October 22, 1868, when honorably discharged. (I. W. S. O. 18473.)

Soldier’s claim filed under the Indian war pension act of March 4, 1917, was rejected in June, 1922, because he did not serve in any Indian war or campaign named in said act.

No widow’s claim has been filed in the Bureau of Pensions, but in her petition for special act the widow states that the soldier died August 15, 1925.

With reference to soldier’s service The Adjutant General, United States Army, under date of April 13, 1926, advises this committee as follows:

This soldier did not serve in the zone of any Indian campaign named in the Indian war pension act of March 4, 1917, but while stationed at Fort Rice, Dakota Territory, in 1866-1877, he did serve in the zone (for a time, duration not determined) of active Indian hostilities. On July 31, 1866, a detachment of the Thirteenth Infantry at Fort Rice under Lieut. J. M. Marshall was in combat with Indians and one citizen was killed. On August 20, 1868, while at Fort Buford, Dakota Territory, the company was in a fight with Indians in which three enlisted men were killed, and three wounded, and one officer, Lieutenant Cusick, was wounded.

The claimant has furnished record evidence showing her marriage to the soldier September 12, 1869, and that he died August 15, 1925.

She is 73 years of age and owns a house and lot worth about $850, and has no income and is wholly disabled for work by arteriosclerosis and asthma.

The claimant has a son who has only one leg who contributes some to her support.

It appears that after their marriage in 1869 the claimant and soldier lived together until about 1912, when according to his marital statement and that of the claimant they separated by mutual agreement, but were never divorced.

During all the time after the separation it is shown that soldier resided in Montgomery County, Ill., in which county the claimant also lives, and it is shown by the certificate of the clerk of the circuit court of that county that neither claimant or soldier ever applied for or obtained a divorce, and the affidavit of an old lady who has known both shows that they were not divorced.

In view of the statement of The Adjutant General it is believed that the soldier should be regarded as having been an Indian war soldier, and it is therefore recommended that his widow be granted a pension of $12 per month.

H. R. 10118. Frank T. Radliff, 5 Rockbottom Street, Binghamton, N. Y., served during the border defense in Company C, First Regiment New York National Guard Field Artillery, from July 4 to November 8, 1916, when honorably discharged at Binghamton, N. Y. (Inv. Orig. 1501569.)
The records of the War Department show as follows as to treatment in the service and condition prior to enlistment:


Physical examination at enlistment shows: Both eyes 20/30. Physical examination at muster out shows marked tachycardia; exophthalmos, moderate; varicose veins in both legs. Has "flashes of light," and spot before eyes and is unable to read. Not in the line of duty. Existed prior to enlistment. Disability is permanent but operable. Trace of albumen in urine for which he is one-twelfth disabled. No disability.

Soldier filed a claim for pension May 17, 1924, alleging that while in the service he was taken with varicose veins of both legs and endocarditis which later developed into pneumonia and acute bronchitis.

The claim after two special examinations was finally rejected March 3, 1926, as to pulmonary tuberculosis, alleged result of pneumonia and bronchitis on the ground of no record in the War Department, and the best obtainable evidence failed to show origin of tuberculosis in the service or existence of same at discharge or to connect any present disability therefrom with the service, and as to varicose veins and disease of heart on the ground that the same existed prior to enlistment as shown by the records of the War Department.

The records show that the two last-named disabilities are not due to service, and from the evidence as to soldier's condition obtained on special examination it does not appear that he has been disabled therefrom since discharge and no disability from same was found on medical examination.

His present condition is due to the pulmonary tuberculosis.

Dr. S. M. Allerton in October, 1924, testified that while in the service soldier reported to him with varicose veins and endocarditis and was sent to base hospital with what he remembered was either pneumonia or acute bronchitis.

His testimony on special examination, however, shows that he has no knowledge that soldier had any disease of lungs in the service, but thinks he had a cough.

In an affidavit filed in October, 1924, Dr. J. S. Kelley, testified that soldier consulted him November 8, 1916 (date of discharge), and that he had a bad cough, fever, and prostration, and that two weeks later he found upon examination that he was suffering from incipient pulmonary tuberculosis, and he so testified in another affidavit filed later.

On special examination two depositions were obtained from him from which it appears he has no record of his treatment of claimant and is not certain as to the date he was consulted by him, but that he had found from an old ledger that he visited him October 9, 1916. In his last deposition, however, he stated that he distinctly recalled that he diagnosed his case as pulmonary tuberculosis when he saw him at his office the second time which no doubt was in November, 1916.
The special examiner gave the doctor's reputation as fair, but stated he was satisfied he had no idea when he first treated claimant for disease of lungs. Soldier's wife, however, appears to corroborate the doctor, for she testifies that he came to see soldier prior to discharge and that he told him to come to his house as soon as he was able and he would give him a good examination, and that soldier went to him later, and he told him he had tuberculosis of the lungs. She, however, was rated as unreliable by the examiner.

Dr. James W. Wiltsie testified that soldier came to him in 1919 for prostatic trouble and that while treating him for that he developed an abscess of the seventh or eighth rib on right side involving the bone; that he gave a history of gonorrhea several years before, but none of syphilis; that he lanced the abscess and that he diagnosed it as tubercular as he also did the prostatic condition and that the lung was not involved.

Dr. Daniel C. O'Neill testified that soldier came to him in April, 1922, and that his diagnosis of his case was cystitis and bronchitis.

The special examiner obtained a copy of an X-ray reading of claimant's chest April 22, 1922, which showed pulmonary tuberculosis at that time.

The records of the Ideal Rest Hospital, at Orwell, N. Y., show soldier admitted there April 6, 1924, and that he stated he had contracted a cold during the service and had not been well since and that he had influenza in 1922.

The records of the Broome County, N. Y., Tuberculosis Hospital, show that the soldier was in that hospital from August 14, 1923, to January 16, 1924, and that he then gave no history of previous pneumonia, bronchitis, or pleurisy, but that he had grippe in February, 1923. The onset of his disease is given in the hospital record as "Since May, 1922."

It was developed on the special examination that the soldier obtained industrial insurance of $375 in the Prudential Life Insurance Co., upon an application under November 2, 1916, a few days before discharge, and he stated in his application therefor that he had never had consumption, asthma, spitting of blood or habitual cough, and the medical examination confirmed his statement. The risk was accepted as first class. The special examiner, however, stated that the assistant medical director of the company informed him that the fee for examinations for industrial insurance was small and the examinations usually superficial and unreliable.

On the special examination depositions were obtained from a number of the members of the soldier's company, but none of them were found to have any knowledge that he suffered with any bronchitis or disease of lungs while in the service.

In the certificate of official medical examination made November 5, 1924, the board stated that the soldier was totally disabled on account of advanced pulmonary tuberculosis.

In support of the bill another affidavit of Doctor Kelley has been filed, similar to those filed in the pension claim.

An affidavit of Dr. J. R. Patton has also been filed in which he states that he was ward master in camp hospital at McAllen, Tex., and that soldier was a patient there, if his memory serves him correctly, suffering with a bronchial condition and that this was in 1916, date not remembered.
The soldier is 39 years of age, is married, and has no property except a few household goods of little value, and has no income except what he may be able to earn by labor.

He stated, in July last that he was then employed by the city of Binghamton, N. Y., as a park attendant at $3.25 per day. He now states that he has been out of employment since October 8, 1926.

A physician testified November 29, 1926, as follows:

That on the 23d day of November, 1926, deponent examined Frank T. Radliff, and found that he was suffering from a harsh, dry persistent cough; that the patient found difficulty in breathing, especially on exercise; that in the upper thirds of both lungs deponent found on said physical examination, an extensive tubercular involvement of both lungs; that said lung condition deponent found to be of long standing and that said condition was and is progressive in nature.

Dependent further says that the patient, Frank T. Radliff, is not in any shape to do work or to perform physical labor or to support himself or his family.

No claim for pension was filed by the soldier until May, 1924, over seven years after discharge, and from the evidence it is doubtful whether soldier's lung trouble is due to his service.

However, in view of the testimony of Doctor Kelly, that he examined him at some time soon after his return home and found that he had pulmonary tuberculosis, and the fact that another physician diagnosed an abscess of his right side in 1919 as tubercular, the committee believes he should be given the benefit of the doubt, and afforded some relief, especially as he was a member of the State National Guard, and responded to the call for service in the border defense and rendered such service for over four months, and was honorably discharged.

While the evidence indicates he is now wholly disabled by disease of lungs, it is shown that as late as a few months ago he was able to do some labor and was earning $3.25 per day.

It is recommended that he be granted a pension of $17 per month.

H. R. 10328. Lula Knotts, Perry, S. C., is the widow of Mike K. Knotts, who served during the war with Spain in Company C, Second Regiment South Carolina Infantry, from May 17, 1898, to April 19, 1899, when honorably discharged. (Minor's Ctf. 1243323.)

The soldier was in receipt of a pension at the rate of $6 per month for malarial poisoning, when he died September 20, 1925, it is stated, from a gunshot wound not incurred in the service.

He was married to the claimant October 24, 1922, and she has not remarried since his death. He left surviving him a minor child by a former marriage, which child was pensioned under the act of September 1, 1922, until he became 16 years of age, October 14, 1926, when his pension terminated.

This widow is 34 years of age, and owns no real estate, but has personal property worth about $200, and it appears that she has no income except from her own labor.

A physician testifies that she has lacerated cervix, misplaced womb, cystitis, and varicose veins, which cause swelling of the feet and legs; that her condition is worse at some times that others, and when worse she is unable to perform manual labor. He further states that it is impossible to give the degree of disability, because at times she is able to be up and oversee her work, if she is unable
to work herself, and that it is almost impossible to perform labor continuously.

This claimant is only 34 years of age, and appears to be considerably disabled, and was married only a little over a month, too late to have title to pension under the act of May 1, 1926.

In view of the fact that this claimant is in a very poor physical and financial condition and was only married to the soldier about a month after September 1, 1922, the committee recommends that she be granted a pension at the rate of $20 per month.

H. R. 10349. William E. Clark, Frankfort, Ky., served in the United States Navy, from June 19, 1908, to June 18, 1912, when honorably discharged. (Inv. Ctf. 1170320.)

This sailor is now pensioned under the general law at the rate of $17 per month on account of disease of lungs contracted by him in the service, his pension having been increased from $12 to $17 per month in July last. At the same time a claim under the general law on account of disease of left leg was rejected because of no ratable disability from the same. A former claim for such disability was rejected in 1925 for the same reason.

The sailor was treated while in the service for the disease of lungs for which he is pensioned but does not appear to have been treated at any time for the disease “phlebitis of left leg” for which pension is now claimed.

There is, however, on file in the pension case considerable evidence showing that he was suffering from some trouble of his left leg at or very soon after he was discharged from the service and has been ever since.

He is now 42 years of age, has no property, and appears to have no income other than his pension, and witnesses again testify to the existence of some trouble of the leg since discharge. A physician testifies that he has phlebitis of left leg, which has left the leg 2½ inches shorter than the right leg, and that the leg is swollen and causes pain most of the time, and a physician also testifies that claimant is wholly disabled for labor from disease of lungs.

He has a wife and five small children to support.

The board of surgeons by which the sailor was officially examined April 28, 1926, stated that there was no evidence of phlebitis or lymphangitis, but that he had a fracture of the inner process of the femur, and also fracture of tibia at upper and middle third of left leg, and stated that from disease of lungs, tonsils, hernia, flatfoot, and fracture of right leg he was three-fourths disabled for labor.

It is not shown that the claimant fractured his left leg in the service at any time and from the decision of the board of surgeons it is doubtful whether there is any disability from disease of the leg as claimed.

However, he is now pensioned for disease of lungs contracted in the service, and, in view of his service for four years and his physical condition as shown by the evidence, it is recommended that his pension be increased to the rate of $24 per month.

H. R. 10419. Jennie E. Kennedy, De Gonia Springs, Ind., is the widow of Alexander Kennedy, who served during certain Indian wars in Troop F, Seventh Regiment United States Cavalry, from
July 30, 1866, to July 30, 1869, when honorably discharged. (I. W. W. Ctf. 8752.)

The claimant’s husband was wounded in action against Indians. He was pensioned under the general law at the rate of $17 per month on account of gunshot wound of left side involving left lung and resulting disease of heart.

Claimant’s application for pension under the general law was rejected on the ground that the soldier’s death from disease of stomach was not due to his military service.

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

The claimant was married to the soldier March 20, 1909, and she is now 73 years of age.

It is shown by the evidence filed with the bill that she owns 40 acres of land valued at $500, and including her pension she has an annual income of $254. She has no children and does not receive support from any person.

A physician states that the claimant is wholly unable to earn a living and that she has to employ a nurse to care for her all the time and that she has chronic nephritis and high blood pressure.

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

H. R. 10719. Mont Graham, Covington, Ind. (Inv. Ctf. 1186928.)

This soldier is now pensioned at the rate of $12 per month under a special act approved March 3, 1921, which was based upon the following report:

H. R. 12499. Mont Graham, Covington, Ind., served in the Regular Establishment, Sixty-first and Second Company, United States Coast Artillery Corps, from January 7, 1914, to November 1, 1916. He had prior service in Troop L, Fourteenth United States Cavalry, from May 12, 1901, to May 11, 1909, and in Troop M, Seventh United States Cavalry, from November 4, 1910, to October 22, 1913. (I. O. 1426446.)

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

April 12 to November 1, 1916, hallux valgus, left, due to wearing ill-fitting shoes in line of duty: Mayor's operation April 14, 1916; additional diagnosis September 3, 1916, flat foot, moderate, bilateral, existed prior to enlistment, not in line of duty; ankylosis, partial, metatarso-phalangeal joint left great toe, following operation for hallux valgus, left, in line of duty. Discharged on certificate of disability November 1, 1916, for (1) flat foot, moderate, bilateral, not in line of duty; (2) ankylosis, partial, metatarsal-phalangeal joint left great toe, following operation for hallux valgus, in line of duty. Degree of disability (1) one-eighth; (2) one-eighth. He had frequent treatment in service for a severe disability not due to service and line of duty. No flat feet were noted when examined for first enlistment, but when examined for second enlistment they were found.

He filed a claim for pension January 27, 1917, based upon broken-down arches of both feet and partial ankylosis of metatarso-phalangeal joint of left great toe after operation for hallux valgus. It was rejected; broken-down arches of both feet, on the ground that there was no record at the War Department showing origin in Troop L, Fourteenth United States Cavalry, as alleged, and his apparent inability to furnish the necessary evidence to show origin in service; partial ankylosis of metatarso-phalangeal joint of left great toe on
the ground that the existing disability is no greater than that due to hallux valgus, which necessitated the operation.

He was examined by a board of surgeons April 18, 1907. They recommended a rate of $6 per month for broken-down arches of feet and $6 for operation of left great toe. There is evidence showing that about the time claimant’s foot was injured he had to climb a mountain 400 or 500 feet high to reach his fort.

With this bill claimant files his sworn statement to the effect that he is one-half disabled by reason of operation on foot, which has left him lame; that he owns no property, and has no income except from his labor. Lay witnesses verify his statement as to property and income. A physician and two neighbors testify that he is two-thirds disabled by reason of the injury of his great toe of left foot.

The surgeon of the National Home at Danville, Ill., furnished the following certificate:

This is to certify that I have on this date, March 3, 1920, examined Mont Graham, Troop L, Fourteenth United States Cavalry, etc., and find his condition as follows: Chronic arthritis of metatarsal-phalangeal articulation of left great toe. The joint is almost completely ankylose, painful on pressure, causes a limp in walking. X-ray examination shows several sharp spurs of bone remaining and chronic arthritis. In my opinion, there is more disability than there would be caused by the original bursitis.

It is believed that the facts presented justify a pension of $12 per month and it is so recommended.

He is now 46 years of age, is married, and has a wife and small child, and he has an equity in a small house, but is in debt more than it is worth.

A physician describes soldier’s condition as follows:

About six months ago Mont Graham came to me for treatment, and I found by examination that he was suffering from sciatica, an ankylosis of the great toe of left foot at tarsal—metatarsal junction. This condition causes him to walk on the site of his foot in an effort to shun his affected toe. This abnormal condition has caused his knee and entire left limb to be used in walking in an abnormal way, a curvature of the lumbar region of the spine, an impingement of the spinal nerves which account for sciatic and very likely many other troubles in the future.

The patient states he had a minor operation in 1916, while a soldier in the United States Army, which was the cause very likely of ankylosis of his toe.

I have known the patient for three years and know that he has been unable to do but very little work. He has a wife and family, also his mother dependent upon him.

Another physician also testifies as to ankylosis of great toe of left foot, result of an operation.

The committee recommends an increase of pension to the rate of $17 per month.

H. R. 11037. William J. Gentry, Chestnutsburg, Ky., served in the Regular Establishment in Troop I, Thirteenth Regiment United States Cavalry, from April 16, 1904 to April 15, 1907, when honorably discharged. (I. C. 1147665.)

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

April 28 to May 3, 1904, vaccinia; June 20 to 22, 1904, lumbago acute; April 16 to September 3, 1904, varicocele severe, left side, cause unknown, August 19, 1904, vein ligated, under cocaine anæsthesia; November 19 to 22,
1904, malarial fever, tertian organism found; September 3 to 16, 1905, malarial fever, intermittent tertian; June 21 to 25, 1906, malarial fever, intermittent tertian, nonmalignant. All the foregoing in line of duty. No additional record of disability found.

The soldier is now pensioned under the general law at the rate of $12 per month for malarial poisoning and left varicocele for which he applied for pension in less than a month after his discharge.

A claim for increase was rejected in July, 1925, the medical officers of the Pension Bureau declining to accept disease of stomach as a result of the pensioned disabilities.

At the same time claim for piles and affection (atrophy) of testicles as additional disabilities was rejected because soldier could not connect same with his service, there being no record of same in the War Department.

The claimant is 45 years of age and states he has a small tract of rough land, a cow and a horse, and that his income is small.

A physician testifies in support of the bill that he examined soldier a short time after his return from service and found him suffering with malarial poisoning and varicocele and frequently examined him since and that disabilities are growing worse. Another physician testifies that after his return from the Army he was complaining of malaria and of having been operated upon for varicocele and claimed he had hemorrhoids and that he gave him treatment occasionally to 1911 and that he then had stomach trouble and that he advised him to have his testicles removed as they had become atrophied and that he has also treated him since that time.

A joint affidavit of two physicians has been filed who state as follows:

This is to certify that we, Drs. O. R. Minor and H. C. Hornsby, both of Manchester, Clay County, Ky., have this day examined one William J. Gentry, whose claim number is I. C. 1127665, and that our examination of him shows that he is suffering from the following, to wit: Malarial poisoning and castration, as a result of hydrocele, and as a result thereof, shock to his nervous system.

We further certify that his condition is permanent and place his disability at 100 per cent or total.

Dr. H. C. Hornsby individually, further states that he has treated said claimant for hydrocele and malaria for the last 15 years or more and up until an operation was made necessary as a result of the hydrocele and malaria.

Other witnesses testify that soldier is about two-thirds disabled.

A board of surgeons who examined soldier May 4, 1925, made ratings as follows: Heart 2/18, piles 1/18, lungs 2/18, malarial poisoning 4/18, stomach 4/18, testicles 4/18.

In this case no disability aside from those for which pensioned has been shown due to service, but as the last examination disclosed some stomach trouble which may be due to malaria, it is recommended that soldier’s pension be increased to the rate of $17 per month.

H. R. 11126. Claude Austin, Caddo, Okla., served in the Regular Establishment in the Ambulance Corps, No. 4, Medical Department, United States Army, from September 1, 1916, to April 21, 1917, when he was discharged on surgeon’s certificate of disability. (Inv. Orig. 1428059.)

The records of physical examination at enlistment show chronic catarrhal conjunctivitis moderate, bow legs slight, scoliosis slight, corns, adherent scar right chest, operation for empyema in childhood, missing teeth.
The records of the War Department show treatment in service, as follows:

November 22 to December 4, 1916, and December 4, 1916, to January 15, 1917, sprain, severe, right lumbar region, accidentally incurred by wrenching back when struck by edge of falling dirt trough while on fatigue duty at Fort McDowell, Calif., about November 3, 1916 (soldier’s statement), in line of duty. January 15 to February 12, 1917, sprain, severe, right lumbar region, accidentally incurred by wrenching back when struck by edge of falling dirt trough while on fatigue duty at Fort McDowell, Calif., about November 3, 1916. (Soldier’s statement.) Condition on admission: pain, slight, on pressure over right loin or bending backwards. Wasting of lower back, muscles, right side. Patient stands with feet apart and in bent forward position. Lower lumbar curvature to right, in line of duty. February 12 to April 21, 1917, pleuritic adhesions, chronic, right chest, following empyema of right chest, when patient was 6 years old. (Soldier’s statement.)

Certificate of disability shows that he was discharged for the following reasons: (1) On account of pleuritic, adhesions, chronic, right chest, following empyema of right chest, when patient was 6 years old. Manifested by pain and dulness right chest, shortening of breath on exertion, causing a curvature of the spine, tilting of the pelvis, and apparent shortening of the right lower extremity. (2) Hysteria, manifested by hysterical contractures of muscles of right side of chest and back, nervousness, tremor dermatographia, mental depression. Incapacitated on account of the aforementioned conditions, which prevents the performance of the duties of a soldier. (1) Sequel of empyema of right chest, when patient was 6 years old. (2) Due to inherent unstable nervous organization. Both existed prior to enlistment. Both not in line of duty. Degree of disability (1) one-fourth (2) one-fourth. Records show him sick as follows: December 4, 1916, to January 15, 1917, sick in Department Hospital, Manila, P. I., in line of duty. Sick in Letterman General Hospital, February 12, 1917, to April 21, 1917.

The soldier first filed a claim June 25, 1917, based on a sprained back alleged to have been caused by a dirt trough falling and striking him in lower part of back while in the service. This claim was rejected on the ground that the curvature of the spine alleged result of sprained back existed prior to enlistment as shown by the records of the War Department.

On March 8, 1924, the soldier filed another claim alleging chronic appendicitis and sprained back due to the service, and this claim was also rejected on the ground of no record in the War Department of appendicitis and that the condition of his back existed prior to enlistment.

The soldier filed no evidence in support of his pension case. The evidence filed in support of the bill shows that he owns no property and has had no income for the past 3 years.

A physician states that he has known the claimant since 1918, and has made several examinations of him and finds that he has chronic appendicitis and a sprained back, a lame shoulder, and has partly lost the use of his right arm and leg; that the partial loss of his two limbs and a lame shoulder were caused from the sprained back; that the soldier is wholly disabled for the performance of manual labor (50 per cent) from chronic appendicitis and 50 per cent from causes due to sprained back.

Two witnesses state that they have known the soldier prior and subsequently to his service and that he was a sound man when he enlisted, but ever since has been entirely disabled by reason of result of a sprained back and appendicitis.
It is very doubtful whether this soldier has any disabilities due to his service. However, he was in the Philippines and probably did receive some injury to his back, but the only evidence of his sprained back in the service is from his own statement, and he did have a condition of his back at discharge that would indicate it was caused from a disability contracted while in the service. However, he was accepted as sound and there is a possibility of his being injured while in the service, and a small pension of $12 per month is recommended.


The soldier was at one time pensioned at the rate of $12 per month under the Civil War pension act of June 27, 1890, but his name was dropped from the roll in 1915, as it was then held that his service was not rendered in connection with the war.

His claim under the Indian war pension act of March 4, 1917, was rejected in October, 1917, on the ground that the act did not include within its provisions service in the Dakotas from 1865 to 1868, and service was not claimed in any other campaign.

However, the report of the War Department does show that his company served in the campaign against the Sioux Indians in 1866 and 1867, for over 30 days in Dakota. While this service is not pensionable under the act of March 4, 1917, the committee believes that he should be pensioned on account of same.

Soldier is 78 years of age, wholly disabled for work and is very feeble. He has 90 acres of poor hill land worth about $450, and an income of $12 per year from rent of some of the land.

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

H. R. 11215. Mary A. Kinsella, 7 Narragansett Avenue, Newport, R. I., is the widow of Patrick Kinsella, who served in the Regular Establishment in the United States Navy almost continuously from September 4, 1874 to January 7, 1890, when honorably discharged. (Navy Wid. Orig. 10086.)

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


Admitted April 16, 1882, with syphilis consecutiva, not duty. Venereal sores on penis and eruption on body. Chlor cor. hydray. Acid hydrochloric. Blue mass. Discharged May 1, 1882, to duty. Admitted October 4, 1889, with neurasthenia. Origin in line of duty. In July last while at work on heated boilers, he had a seizure characterized by loss of consciousness followed by
partial paralysis of left side. He has never completely recovered from it. Lower muscles affected, and now complains of debility and excessive fatigue after ordinary work. Appears normal. Rest in bed. Tr. nux vom. Discharged October 10, 1889, to duty. Admitted December 12, 1889, with paralysis. Origin in line of duty, the facts being as follows, viz.: Last July, while working near the boilers had a left-sided hemiplegia. The attack was not severe, however, last night he had another attack of same side, lasting a short time. He had been employed as electrician and while working in this capacity has often received electrical shocks, his powers of locomotion having suffered progressive impairment as a result, and at the present time there is a decided disability. In the recent attack he was attended by physician in civil life. Afterwards he was visited by one of the medical officers attached to this station. Discharged December 13, 1889, to Naval Hospital, Chelsea.

Admitted December 13, 1889, with paralysis. Copy of the hospital ticket herewith furnished. Case paper states: Hemiplegia left. Disease, progressive impairment of his locomotor powers, amounting almost to disability. 18. Language incoherent. Wanders around the ward at night, January 5. Absent over time. Discharged January 7, 1890, by medical survey, copy of which was furnished the Pension Bureau July 1, 1890.

Hospital ticket dated December 12, 1889, contains the following statement: Disease, paralysis, origin: There is good evidence that it was in the line of duty, the facts being as follows, viz.: Last July while working near the boilers, had a left-sided hemiplegia, attack was not severe. Last night had another attack of same side, lasting only a short time. His employment has been that of electrician, and in this capacity has received numerous shocks; as a result there is now progressive impairment of his locomotor powers, amounting almost to disability.

Sailor was discharged upon a medical survey which stated he was unfit for the service because of paralysis—"Origin in line of duty." "His employment has been that of electrician, and in this capacity has received numerous shocks, and there is now progressive impairment of his locomotive powers. There is marked impairment of mental power at various times and occasional confusion of speech."

This medical survey was signed by the surgeons in the Navy. On February 20, 1890, less than two months after discharge, the sailor was admitted to the Rhode Island Insane Asylum, suffering from paretic dementia, and he died there November 15, 1890, the cause of death being given as "Primary sclerosis of the spinal cord—secondary sclerosis of the brain, paralysis, and exhaustion."

The widow's claim was rejected February 28, 1895, on the ground that the sailor's death was due to a disability not incident to service and in line of duty, and this action was affirmed on appeal May 11, 1895.

The rejection was in accordance with an opinion of the medical referee of the Bureau of Pensions, as follows: "Syphilis can not be eliminated from this case. The paralysis shown in service, subsequent paretic dementia, and death from ascending sclerosis of the spinal cord and brain was most probably a result of the syphilis."

The claimant was married to the sailor November 20, 1884, and was never divorced from him, and evidence shows that she has not remarried since his death.

She is 60 years of age and has no property or income aside from what she can earn. A physician testifies that she has arteriosclerosis, kidney, and other trouble that disqualifies her some for labor. She has two sons and a daughter, but none of them contribute much to her support.

While the surgeons in the Navy attributed sailor's physical and mental condition at discharge to electric shocks incurred in the line

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of duty, the medical officers of the Pension Bureau attribute the death cause to the syphilis for which the records show treatment in service.

The committee recommends a pension of $12 per month.

H. R. 11247. Harry A. Caskey, 1232 Wyoming Avenue, Scranton, Pa., served during the Philippine Insurrection in the band and Company L, Twenty-seventh United States Volunteer Infantry, Eighty-fourth Company United States Coast Artillery, and in the band, Fifth United States Artillery Corps. He enlisted July 27, 1899, and was honorably discharged April 1, 1901; again enlisted June 26, 1901, and discharged January 15, 1903, for a disability not contracted in the line of duty. (Inv. Orig. 121360.)

The records of the War Department show treatment in service for malarial fever, bronchitis, acute indigestion, gonorrhea, and secondary syphilis.

The Army surgeon stated upon soldier's disability discharge as follows:

Chronic gonorrhea. He also has an old scar on his penis resulting from a chancre and the progress of the case shows syphilis, manifested in sore throat and mouth, falling out of the hair, and specific erythema over the body. Not contracted in the line of duty, but due to vicious habits.

His captain stated soldier had syphilis due apparently to his own bad habits as he entered the hospital with the disease upon his return from an absence without leave of three days.

Claim under the general law was rejected years ago upon the ground that the loss of right eye and loss of sight of left eye was not due to his military service in the line of duty, but to specific disease of record and alcoholism. His claim under the Spanish war pension act of June 5, 1920, was rejected on the ground that he was not unable to earn a support by manual labor independent of the results of specific disease and alcoholism. These claims were only rejected after a special examination. The action of rejection was affirmed on appeal by the Secretary of the Interior.

When claimant was officially examined in 1904, it was shown that the right eye had been enucleated and the left eye showed evidence of iridocyclitis, with total loss of sight.

The medical records fail to show that claimant had any disease of eyes in the service or that there was eye trouble present at time of discharge.

Dr. L. H. Taylor stated before the special examiner who investigated the case in 1904, that he treated the claimant in a hospital for trouble of right eye, "a sloughing cornea," that claimant denied any injury to the eye and there was evidence that he was "an alcoholic," that his appearance indicated that he was quite intemperate and was also of the opinion that claimant had a chronic venereal disease in the service which was a factor in his eye trouble. This doctor could not state whether vicious habits were entirely responsible for the eye trouble.

Dr. E. U. Buckman stated to the examiner that he treated claimant in a hospital for a bad ulcer of right eye and it was his impression that the condition of the eye was the result of exposure, as claimant had been lying around drunk and also was of the opinion that the eye trouble was due to syphilitic iritis, and that the claimant had
delirium tremens when in the hospital and had to be restrained with a jacket in bed.

Claimant is 53 years of age and married. He owns no property and his annual income is about $400, derived from piano tuning.

A physician states that claimant has been totally blind the 21 years he has known him.

One witness states that claimant has been a total abstainer for the past 12 years, is industrious, and has many friends.

He rendered active service in the Philippines during the Philippine insurrection. No evidence of syphilis was found upon the last two official medical examinations.

In view of the claimant's long service during the Philippine insurrection and his present pitiable condition, your committee recommends that he be granted a pension of $20 per month.


The records of the War Department show treatment in service for simple fracture of forearm, dysentery, and burn of left arm.

His only claim under the general law was filed July 17, 1897, and was rejected January 13, 1899, on the ground of no ratable disability from alleged fracture of left arm, rheumatism, and piles. His claim under the Indian war pension act of March 4, 1917, was rejected on the ground that he did not participate in any Indian war or campaign named in that act or prior acts, as service against hostile Apache Indians in Arizona during the period of his service was not included in the law.

It is quite evident that claimant can not prove that he has any disabilities due to his military service, which ended over 43 years ago. However, it does appear that he rendered considerable active service against hostile Indians, and probably as much as some who are now pensioned as Indian war soldiers.

The Adjutant General of the War Department stated as follows relative to claimant's service against Indians:

The records show that William Thaden enlisted January 8, 1878, at New York, N. Y., for five years, and was honorably discharged January 28, 1883, at Fort Huachuca, Ariz. T., as a private of Troop G, Sixth United States Cavalry.

He is shown to have been present with his troop at Camp Grant, Ariz. T., from March 14, 1878, date of joining from depot, to February 19, 1879; thence to March 15, 1879, in the field in Arizona Territory; thence to November 19, 1879, at Camp Grant, Ariz. T.; thence to May 7, 1880, at Camp Thomas, Ariz. T.; thence to May 22, 1880, in the field after Indians in Arizona Territory; thence to April 5, 1881, at Camp Thomas, Ariz. T.; thence to October 29, 1881, in the field, Arizona Territory; thence to April 18, 1882, at Fort Huachuca, Ariz. T.; thence to May 1, 1882, in the field in the Hatchet Mountains; thence to January 28, 1883, at Fort Huachuca, Ariz. T. On April 28, 1882, the company engaged in a fight with hostile Indians.

It does not appear that this soldier had any service in the zone of any Indian campaign named in the pension act of March 4, 1917. He did, however, serve in the zone of active Indian hostilities and, it seems, for periods amounting to considerable time, whether as much as 30 days can not be determined from the records.
Claimant is 70 years of age. He owns no property and his only income is at the present time an annual civil service retirement annuity of $358.80. He was involuntarily retired, teamster unclassified, Quartermaster Corps, War Department, on account of reduction of force, he being at that time 68 years of age. The soldier has never been married.

A physician states that claimant has chronic bronchitis, a typical Carrigan pulse, heart trouble, and a right incomplete hernia. Witnesses state that claimant is physically unable to perform any kind of manual labor and seems to be suffering from infirmities of old age. The member who introduced the bill stated that this was a meritorious case.

Although the claimant is an inmate of a soldiers' home, unmarried, and has a small annual annuity of $358.80, he had some active service against hostile Indians, and it is recommended that he be granted a small pension of $12 per month.

H. R. 11393. William Dooley, Columbia, Tenn., served during certain Indian wars in Company F, Thirty-eighth, and Company F, Twenty-fourth Regiments United States Infantry, from March 5, 1867, to March 5, 1870, when honorably discharged. (I. W. S. Ctf. 6939.)

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

He is over 80 years of age and has no property and no income except his pension, and a physician testifies that he is unable to do hard work on account of rheumatism and cardiac trouble. He has no wife or children.

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

H. R. 11427. Emilie J. McEnery, 4824 North Carlisle Street, Philadelphia, Pa., is the widow of Timothy J. McEnery, who served in the Regular Establishment in the United States Marine Corps, from September 13, 1909, to October 13, 1912, when he deserted. He surrendered December 29, 1913, and was dishonorably discharged December 26, 1916, after trial by court-martial for theft of Government and private property. He again enlisted March 31, 1917, and was honorably discharged September 30, 1919. He again enlisted June 8, 1920, and was honorably discharged June 7, 1922. Reenlisted again June 9, 1922, and served until June 27, 1925, when he died from injuries incurred in an automobile accident while on authorized liberty at Port au Prince, Haiti. (Wid. Orig. 1235818.)

His character was given as excellent at each discharge except the first one and the adjutant and inspector of the Marine Corps stated that if his last service had terminated by expiration instead of death he would have been entitled to an honorable discharge with character excellent and evidence shows that he was awarded two good-conduct medals.

The widow's claim was rejected by the Bureau of Pensions January 13, 1926, on the ground that the marine's death from injuries incurred while on liberty for his own pleasure was not in the line of duty for pensionable purposes.
A report from the Navy Department shows that a board of inquest was appointed to inquire and report as to the death of the marine which reported as follows:

Opinion: The board, from a view of the body and from the evidence before it identified the body as that of Timothy J. McEnery, late gunnery sergeant, United States Marine Corps, and is of the opinion that Timothy J. McEnery, late gunnery sergeant, United States Marine Corps, died on June 27, 1925, at the Brigade Field Hospital, Port au Prince, Republic of Haiti, from injuries received while on authorized liberty, by reason of a collision between an automobile being driven by Herbert Sullivan, sergeant, United States Marine Corps (Second Lieutenant, Gendarmerie d'Haiti) and an automobile truck being driven by Ren Thevenot, of Port au Prince, Republic of Haiti, and that his death occurred in the line of duty, and was not the result of his own misconduct.

A copy of the testimony before the board is on file and it shows that while the marine and others were riding in an automobile it was hit by a truck at a street crossing and he received injuries which caused his death a few hours later, and that he was not at fault in any way. They were simply riding around the city for their own pleasure and it does not appear that any of them had been drinking.

The testimony before the board also showed that the marine was married and living with his family outside the limits of the aviation field and had a permanent pass for after working hours, and that his liberty on the date of his death began at 1 p.m.

The claimant has filed with the committee record evidence showing her marriage to the marine August 27, 1919, and also copies of records showing the birth of a child, Emmeline June McEnery, August 2, 1923, and of another, Josephine Sara McEnery, November 12, 1925. She is 26 years of age and owns no property except a few household goods and has about $450 in bank which has been left from her husband's adjusted compensation and her only income is $57.50 war risk insurance, paid monthly and her own earnings amounting to $70 per month.

Claimant and the marine were never previously married.

As the marine was living with his family outside the aviation field and had a permanent pass allowing him to be absent after working hours the committee believes his death, under the circumstances shown, should be considered as having occurred in line of duty and therefore recommends the widow be granted a pension of $12 per month with $2 per month additional for each minor child under 16 years of age, and that the pension continue to the children if the widow dies or remarries.

H. R. 11442. James M. Smith, Rockwood, Tenn., served in the Regular Establishment in the Signal Corps, United States Army, Companies B, E, and H, from November 7, 1902, to November 6, 1905, when honorably discharged. (I. O. 1356960.)

The records of the War Department show treatment in service as follows: March 16 to 20, 1903, influenza, and December 7 to 15, 1904, dental treatment.

Soldier filed a claim for pension February 20, 1907, for rheumatism and malaria, which was rejected November 5, 1908, because he
could not connect rheumatism with his service and there was no disability due to malaria. Claim as to rheumatism was subsequently reopened, but again rejected after special examination in April, 1912, because soldier could not show origin in the service or existence at discharge. Some additional evidence was filed, but reopening was denied.

While there is no record of soldier’s treatment in the service for rheumatism, a comrade in a statement made through the War Department said that he saw him walking with a cane and that he then said he had rheumatism. The claimant, however, stated on the special examination that the witness was mistaken as he did not have rheumatism at the time stated. He also stated that he had a tropical bubo or ulcer and did not carry a stick or cane.

Another witness also testified that soldier walked lame while in the service. On the special examination Dr. J. C. Wilson testified that he treated claimant soon after discharge for rheumatism and that he had suffered from same since that time. Dr. J. E. George, a druggist, testified that he knew soldier had rheumatism since December, 1905, because he filled prescriptions for him in that month written by Doctor Wilson.

The soldier’s parents and also a number of other witnesses testified that he had rheumatism after he returned home, and at times went to Hot Springs for treatment for same. While it is not clearly shown that this soldier had rheumatism in the service, existence of that disease at or very soon after discharge appears to be well shown and the committee believes he should be given the benefit of the doubt and granted some pension.

He is 44 years of age and has no real estate and only a small amount of personal property, and he states that he has no fixed income, and witnesses state his income for the last few years was derived from a flock of chickens.

Witnesses again testify to rheumatism since the service and state soldier has made several trips to Hot Springs for treatment.

Dr. J. C. Wilson again testifies as follows:

I have known the claimant, James M. Smith, for over 20 years. I knew him before his enlistment, but never treated him until immediately after his return from the Army in December, 1905.

He came to me for medicine. On examination I found him suffering from sciatica rheumatism and prescribed for him.

Have been physician for members of his family for the past 20 years, and have had opportunity to observe his case and condition since the first examination and treatment.

Have prescribed for him a number of times during the 20 years for both rheumatism and asthma, and would consider him unable to perform manual labor at least three-fourths of the time.

Only one official medical examination has been made and that was May 15, 1907, when the board recommended a rate of $8 for rheumatism.

Allowance of a pension of $17 per month is recommended.

H. R. 11444. Jennie I. Aldrich, 1871 Race Street, Denver, Colo., is the dependent mother of Louis S. Aldrich, who served in Battery A, Fourth Regiment United States Field Artillery, from December 11, 1907, to March 1, 1910, when he died in the service from chronic tuberculosis and peritonitis contracted in the service in the line of duty. (Mother’s Ctf. 715088.)
The claimant is now pensioned as his dependent mother at the rate of $12 per month. She is 63 years of age, owns no property except a burial lot, and witnesses state that she has no other income other than her pension, and medical evidence shows that she is suffering from heart and kidney disease and disabled from work to the extent of 50 per cent.

The committee recommends an increase of pension to the rate of $20 per month.

H. R. 11472. Eva A. Smith, Keddie, Calif., claims to be the widow of Franklin H. Smith, who served during the war with Spain in Companies E and G, Twenty-third Regiment United States Infantry, from May 31, 1898, to August 14, 1899, when honorably discharged. (Wid. Ctf. 922964.)

The soldier's entire service appears to have been performed in the Philippine Islands.

Her claim for pension under the Spanish War pension act of July 16, 1918, was rejected on the ground that in the administration of the pension laws the claimant could not be recognized as the soldier's widow, for the reason that at the date of her attempted marriage to him (March 4, 1909) she was still the wife of Walter T. Bachelder, from whom she was not absolutely divorced until January 26, 1911; and her cohabitation with the soldier after the latter date did not constitute lawful matrimony under the laws of the State of California, in which State such cohabitation took place. The action of rejection was taken on the advisory opinion of the chief of law division, as follows:

The Chief of the Review Division.

Sir: Herewith are returned the papers in the case of Eva A. Smith, widow of Franklin H. Smith, Companies E and G, Twenty-third United States Infantry, which were referred to this division for an opinion as to the validity of the claimant's marriage to the soldier.

It appears that she has been previously married to one Walter T. Bachelder, and that on February 17, 1908, she was awarded an interlocutory decree of divorce from him by the Superior Court of the State of California in and for the county of Butte, which decree was not made absolute until January 26, 1911. In the meantime she was married to the soldier March 4, 1909. The issue presented involves her legal competency to contract a valid marriage at that time.

It has been held by the Supreme Court of the State of California that the entry of an interlocutory decree does not dissolve the marriage, and the parties thereto remain in the legal relation of husband and wife until the marriage has been dissolved by a final judgment. (See Estate of Seiler, 164 Calif. 181, Nov. 18, 1912.)

Section 132, which was added to title part 1, chapter 2, article 3, of the Civil Code of California, by an act approved March 2, 1903, provides—

"That when one year has expired after the entry of such interlocutory judgment, the court upon motion of either party or upon its own motion may enter the final judgment, granting the divorce, and on such final judgment shall restore them to the status of single persons, and permit either to marry after the entry thereof."

An interlocutory decree does not become absolute automatically at the expiration of a year from the date of its entry, but a final decree must be entered making it absolute; otherwise the marriage is not dissolved. The identical question at issue in this case arose in the case of Dargie v. Dargie (162 Calif. 51, Jan. 24, 1912), in which it was held (syl.):

"In an action for divorce, when an interlocutory decree is made under the provisions of sections 131 and 132 of the Civil Code, declaring that the plaintiff is entitled to a divorce, the marriage is not dissolved by force of law at the expiration of one year from the date of the entry of such decree without the entry of any final judgment or further action of the court regarding it."
To effect the dissolution of the marriage after the expiration of one year after the entry of the interlocutory decree, the statute requires the entry of the final judgment granting the divorce, which is to be made as the result of further judicial action by the court in rendering the final judgment on motion of either party or upon its own motion. Until such final judgment is so entered, the parties remain in the legal relation of husband and wife.

Obviously, then, the claimant was still the wife of Bachelder at the time of her attempted marriage to the soldier in 1909, and said marriage was consequently void. As common-law marriages have not been valid in the State of California since March 26, 1895, it follows that unless there was a new ceremonial marriage after the entry of a decree of absolute divorce from her first husband the claimant never became the legal wife of the soldier and can not be recognized as his widow in the administration of the pension laws.

Respectfully,

T. F. Dennis, Law Clerk.

The claimant in view of the facts was granted a pension of $12 per month by a special act of Congress approved September 22, 1922. (See H. R. 7753, 67th Cong., Rept. 771, p. 40.)

The claimant is 50 years of age. It is shown by the evidence that she owns 60 acres of land under mining patent near Keddie, Calif., together with a home on the same and some chickens and rabbits, valued in all at $1,000.

The claimant and her witnesses state that her annual income from all sources does not exceed $500.

A physician states that the claimant is incapacitated for the performance of manual labor by reason of chronic neuritis involving nerves of the lumbar region and chronic myocarditis.

At the time claimant was granted a pension of $12 per month widows of Spanish War soldiers were only receiving such a rate of pension. They now receive more.

It is recommended that her pension be increased to $20 per month.

H. R. 11476. Etta J. Hyney, Walloway, Oreg., is the widow of LeRoy Hyney, who served during the war with Spain in Troops K and H, Second Regiment United States Volunteer Cavalry, from May 25 to July 30, 1898, when honorably discharged. (Wid. Orig. 1211230.)

The records of the War Department show no treatment in service. The soldier was discharged upon a certificate of disability in which his captain stated he had lung trouble which was aggravated by the climate and that he had caught a cold while en route with the regiment to Florida, and the surgeon stated he had marked cardiac hypertrophy, causing inability to drill or do necessary duty and that there was slight consolidation of left lung at apex; bronchitis, probably tubercular, and that he claimed to have had attacks of haemoptysis (slight). The surgeon also stated that the disability was incurred before enlistment and that patient admitted coming to Wyoming for his health in 1895.

The soldier died July 11, 1923, of tuberculosis.

The widow never filed a claim under the general law. Her claim under the act of September 1, 1922, was rejected November 16, 1923, because the soldier rendered less than 90 days' service and was not discharged on account of disability due to his military service.

Evidence on file shows that claimant was married to the soldier October 23, 1898. The claimant is 48 years of age and has only a few hundred dollars' worth of property above her indebtedness thereon and has no one to aid in her support. She states that she
receives $10 county pension for one child. No prior marriage of either. A physician testifies that she is suffering from conditions due to the menopause and is unable to do work and probably will not be able to work for a year or two.

While the soldier had only 69 days' service, he was discharged because he was physically unable to serve longer because of a disability probably aggravated by the service and therefore, the committee recommends that his widow be granted a pension of $12 per month, with $2 per month additional on account of the soldier's minor child under 16 years of age.

H. R. 11498. Francois Menetrey, 41 Cooke Street, Waterbury, Conn., served during certain Indian wars in Company D, Sixteenth Regiment United States Infantry, and in Company K, Nineteenth Regiment United States Infantry, from April 2, 1870, to August 30, 1876, when honorably discharged. (I. W. S. Ctf. 8027.)

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

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

He is 82 years of age and has no property and no income other than his pension and is wholly disabled for the performance of manual labor from infirmity due to age, double rupture, and other ailments.

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

H. R. 11504. Nancy Isabelle Grunwald, 3101 Georgia NW., Washington, D. C., is the widow of Adolph J. Grunwald, who served during the war with Spain in Company E, Fourth Regiment New Jersey Infantry, from July 2 to December 11, 1898, when discharged without honor. (Wid. Orig. 1186112.)

The widow's claim under the act of July 16, 1918, was rejected May 17, 1922, because soldier's discharge was not honorable.

In a letter written by The Adjutant General, United States Army, to Hon. Mary T. Norton, dated December 9, 1925, he stated:

I have your letter of December 3, 1925, in which you request to be informed as to whether or not Adolph G. Grunwald, who served in Company E, Fourth New Jersey Volunteer Infantry, was dishonorably discharged simply because he was a minor and lied about his age at the time of his enlistment in order to fight for his country.

The records show that Adolph J. Grunwald was enrolled July 2, 1898, at Jersey City, N. J., and was mustered into service July 13, 1898, at Sea Girt, N. J., as a private in Company E, Fourth New Jersey Volunteer Infantry, to serve two years. The muster-in roll of the company shows that he was 18 years of age at the date of his enlistment.

In a letter addressed to The Adjutant General on November 9, 1898, and signed by his parents, Adolph J. Grunwald and Anna Grunwald, it is stated that this soldier enlisted without their knowledge and consent and was but 16 years of age on May 23, 1898. This letter was returned to the parents of Private Grunwald on November 18, 1898, with the information that it would be necessary for them to submit an affidavit establishing that the soldier was not 18 years of age at date of enlistment. The required affidavit was submitted, and on December 10, 1898, the Secretary of War directed the immediate discharge of Grunwald on the grounds of minority. In paragraph 1, Special Order No. 91, headquarters Fourth New Jersey Volunteer Infantry, dated December 12, 1898, it is announced that Pvt. Adolph J. Grunwald is hereby discharged the
service of the United States, pursuant to telegraphic instructions contained in the telegram from the War Department under date of December 10, 1898. In this order it is also stated that the soldier is not entitled to travel pay. The records show that he was absent without leave from September 17 to 21, and from October 30 to 31, 1898, and was discharged with services recorded as not honest and faithful. A soldier discharged under circumstances as those under which this soldier was discharged is regarded by the War Department as having been discharged without honor.

It is deemed proper to state that this soldier in a letter dated January 31, 1899, subsequent to the date of his discharge from the service, confessed that he had forged the name of his father and of a witness to consent to his enlistment.

It is also proper to state that this soldier was not given a dishonorable discharge, a fact which can result only after conviction by a general court-martial, but that his discharge was held in the War Department to have been not honorable, on account of fraudulent enlistment, minority concealed at enlistment. Holdings of this nature have been the policy and practice of the War Department for many years.

The claimant was married to the soldier February 11, 1898, and he died February 15, 1922. Evidence shows that there was no prior marriage of either and that she has not remarried. She is 43 years of age and owns no property except household furniture, and is earning $40 per month in Kann’s department store in this city, when working full time, but she is not one of the regular force and at present is working from one to two days a week.

It appears that the soldier was discharged without honor because he misrepresented his age at enlistment, and your committee does not believe his widow should be deprived of pension for that reason and recommends allowance of $20 per month with $6 per month additional on account of the minor child.


The records of the War Department show treatment in service for gonorrhea, chanceroids, and bubo; also February 17 to March 16, 1909, penetrating gunshot wound lower lobe, left lung, entering front and outer side of chest, left side, the shot perforations covering a surface 5 by 5 inches over region of lower lobe, left lung, accidentally received February 17, 1909, by a companion mistaking him for a hog while hunting near post in Phillipine Islands.

Upon his application under the general law filed July 1, 1911, soldier was allowed a pension of $6 per month for gunshot wound of left side. Official medical examination of August 16, 1911, showed multiple scars over left chest below nipple, that small shot could be felt under the skin over the ribs and no evidence that the shot passed farther.

Claims for increase have all been rejected. His last claim was rejected November 28, 1924, on the ground that a rate of pension in excess of $6 per month was not warranted by the degree of disability from gunshot wound of left side.

Official medical examination of October 15, 1924, is as follows:

A sprinkle of small scars one-sixteenth to one-eighth inch in diameter on left side of chest and abdomen, from shotgun wound extending from nipple to crest of illium, and from median line to a perpendicular line drawn from front of axilla. No exit wounds, no loss of tissue. Not adherent or tender.
Curvature of spine convexity toward left second dorsal vertebrae to sacrum. Very tender on pressure over spine and entire left side. When walking bends to the left.

Can bend forward but little and recovers very slowly.

Can bend and recover fairly well to the right, but hardly at all to the left. Muscles on right side fairly firm, but on left arm and leg soft. Has but little use of left arm and should—about one-fourth. Some atrophy of muscles left arm. Spline held rigidly all the time. Left leg flexes one-third, right leg flexes normally. Patella reflex left leg very much exaggerated.

Chest measures 37 inches, inspiration 35 inches, expiration, no cough, no rales, no dulness on percussion.

Apex heart beat semi, felt and heard best in nipple line.

Systolic murmur at apex extending toward spine. Hypertrophy left ventricle. No dyspnea, no cyanosis, no edema.

Urine, specific gravity 1008, no albumin, no sugar.

No evidence of venereal disease or vicious habits.

This claimant is so disabled from above conditions as to be incapacitated for performing any manual labor and is entitled to $30 per month.

A physician states as follows:

I did not know Mr. John L. Smith prior to his enlistment. I have known him for the past five years. During that time I have been in his family physician. Four years of this time I have lived in six blocks of him, one year in three blocks. I do not know as to whether Mr. John L. Smith was a sound man at enlistment or not. I did not treat or prescribe for him while in the service or on furlough.

On June 26, 1921, I was called to see Mr. John L. Smith, who was suffering with pain in left side, chest, back, and lower limbs. I used the alkaline treatment for a while without good results; I then used wine of calcicium in combination with potassium, bicarbonate, rochelle salts, and peppermint water. I used salicylic acid. The acid not being so well borne by the stomach, I used the salt of the acid. After treatment for four or five weeks, he would be able to go about the house. Mr. Smith has not been able to do a hard day’s manual labor since I have known him.

The degree to which Mr. John L. Smith has been unable to perform manual labor is three-fourths.

On January 10, 1924, I had an X ray made of side and chest, which showed quite a number of shot located in the muscle of left side and near the spine. This condition seems to incapacitate him for doing manual labor. I think that this condition will follow him through life. During these five years that I have been looking after him professionally, I am more and more convinced that his condition will not improve to the extent that he will be able to do any hard manual labor.

The medical authorities of the Bureau of Pensions refuse to hold that the curvature of soldier’s spine, condition of his left arm and shoulder are due to the gunshot wound of breast received in service.

Claimant is 40 years of age and married. It is shown by the evidence that he owns no property, and the claimant states his annual income is $300.

In view of the affidavit of Doctor Elliott above cited, your committee recommends that the claimant’s pension be increased to $12 per month.

H. R. 11553. William R. Fitzgerald, Amity, Ark., served during certain Indian Wars in Troop B, Sixth Regiment United States Cavalry, from November 28, 1873, to November 28, 1878, when honorably discharged. (I. W. S. Ctf. 6804.)

The Adjutant General of the War Department reported that the claimant’s troop was engaged in the campaign against hostile Indians in Kansas and Indian Territory for over three months in the years 1874 and 1875.

Claimant was pensioned under the general law at the rate of $10 per month on account of injury of left hand and disease of
stomach, when he was granted a pension of $20 per month under the Indian war pension act of March 4, 1917.

He was born October 10, 1851, and is 75 years of age.

It is shown by the evidence filed with the bill that he owns his own home, valued at $1,500, and that his entire annual income is $540 (pension of $240 and $340 from a retired preacher’s fund). He also owns a cow and a Ford car.

A physician states that the claimant is wholly incapacitated for earning a living by manual labor or as a minister of the gospel; that he is old, has some stomach trouble, a double rupture, and that his left hand at one time had been broken and was badly set.

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

H. R. 11589. Joseph Korhummel, 306 Broadway, Buffalo, N. Y., served during the war with Spain in Company H, Sixty-fifth Regiment New York Infantry, from May 1 to October 26, 1898, when honorably discharged; and in Company K, Thirteenth Regiment United States Infantry; Company L, Fourteenth Regiment United States Infantry; and casualty detachment, Fourteenth United States Infantry, from October 27, 1898, to April 9, 1904, when he was discharged on surgeon’s certificate of disability for tertiary syphilis, not in line of duty. (Inv. orig. 1444639.)

He was treated in the service at different times from February 26, 1899, for gonorrhea and syphilis.

Claims for pension under the Spanish War pension act of June 5, 1920, have all been rejected on the ground that he was not unable to earn a support by manual labor independent of the effects of specific disease, and reopening was denied in the year 1925.

Official medical examination of December 10, 1924, is as follows:

Malaria: Last chill yesterday; they recur six times a year. Tongue is coated; scleras are congested; liver extends 1½ inches below the costal margin in the nipple line; the spleen is tender but not palpable. Rheumatism; crepitation in both shoulders and left knee measurements are equal. No deformity.

The right wrist can not be dorso flexed beyond an angle of 160°.

The rectum is congested, no piles or tumors visible.

Stomach: Complains of chronic constipation and distress after eating.

Heart: Apex beat is in the fifth interspace in the nipple line, cardiac dullness is increased to left, the second aortic is accentuated.

Lungs, measurements: At rest, 40; inspiration, 42; expiration, 39. Normal.

Rhinitis: The pharynx is congested, the nose is normal; all the upper teeth are missing; 7 lower remain.


Hearing: He hears ordinary conversation at 6 feet with both ears.

Urinalysis: Acid reaction, S. G., 1024. No albumen or sugar found. No evidence of syphilis in the skin, bones, nervous system, glands, or hair. He claims to have had several Wassermann tests, all of which have been negative.

Rating 1/10, $12.

No evidence of vicious habits.

Claimant is 50 years of age and married.

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 is at the present time two-thirds incapacitated for the performance of manual labor by reason of partial ankylosis of right ankle from an old sprain, valvular disease of heart, chronic constipation, enlarged liver, piles, indigestion,
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partial deafness of right ear, vision subnormal, malarial poisoning, rheumatism with cramps in legs, bronchitis, and laryngitis.

In view of this soldier's long service during the war with Spain and Philippine insurrection and his various ailments it is believed that the facts warrant a pension of $12 per month, and it is so recommended.

H. R. 11596. Margaret E. Searcy, Hedrick, Iowa, is the widow of George W. Searcy, who served during certain Indian wars in Troop K, Nineteenth Regiment Kansas Cavalry, from October 22, 1868, to April 18, 1869, when honorably discharged. (I. W. W. Ctf. 11460.)

The claimant is now pensioned at the rate of $12 per month under the Indian war pension act of March 4, 1917. She was married to the soldier September 2, 1877, and he died November 16, 1925.

She is 66 years of age, and has no property except her home, worth about $1,000, and no income except her pension.

Witnesses also state that she is receiving no contributions for her support from any source.

A physician states that he considers the claimant to be wholly unable to perform manual labor by reason of heart disease, high blood pressure, and female troubles.

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

H. R. 11706. Susan E. Hodges, Bethpage, Tenn., is the widow of Marcus A. Hodges, who served during certain Indians wars in Captain Henry's company, Second Regiment Tennessee Volunteers, from June 16, 1836, to January 14, 1837, when honorably discharged. (I. W. W. Ctf. 296.)

The 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 24, 1854, and he died June 25, 1883.

She is 92 years of age and has no property, except a few hundred dollars' worth of household goods, and her income is about $150 per year, including her pension, and aside from this she is supported by her children.

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

H. R. 11735. Susan Hougham, Heyworth, Ill., is the widow of Ira Hougham, who served during certain Indian wars in Company C, Nineteenth Regiment Kansas Cavalry, from October 21, 1868, to April 18, 1869, when honorably discharged. (I. W. W. Ctf. 8400.)

Claimant was married to the soldier November 20, 1901.

He died December 16, 1916, and she is now pensioned at the rate of $12 per month under the Indian war pension act of March 4, 1917, as his widow.

She is 74 years of age and owns her home and some household goods, all worth about $1,200, and has no income other than the pension; and medical evidence shows that she has neuritis and arthritis deformans, which disable her for labor about three-fourths.

She has a son living with her, but he contributes little to her support.

An increase of pension to the rate of $20 per month is recommended.
H. R. 11756. John N. McCreary, Harlan, Ky., is the dependent father of Hampton McCreary, who served in the Regular Establishment, in the Twenty-first Company United States Coast Artillery Corps, from January 5, 1912, to February 4, 1913, when he died in the service from diabetes contracted in line of duty. He had prior service in the Army from September 6, 1905, to September 5, 1908, and from December 31, 1908, to December 30, 1911, when honorably discharged. (Father’s Ctf. 763781.)

The claimant is now pensioned under the general law at the rate of $12 per month as the dependent father of the soldier.

He is 70 years of age and has no property whatever, and he states he has no income but his pension. In 1913 when claim was specially examined his wife owned a few acres of land worth about $300.

Two physicians testify that to their personal knowledge the claimant is totally disabled for the performance of physical or any other sort of labor; that he has heart and prostatic trouble, and at times has seizures of unconsciousness, falling down whenever attacked, and that his general appearance indicates that his life is short.

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

H. R. 11806. William S. Newman, Windsor, Ill., is the dependent father of William A. Newman, who served during time of peace in the United States Navy, from November 12, 1906, to the date of his death March 17, 1907. (Father’s Ctf. 966172.)

The claimant is pensioned at the rate of $12 per month, the sailor’s death having been due to his naval service.

The sailor was never married and his mother died January 23, 1924. The claimant is 70 years of age, and it is shown by the evidence that he owns no property and has no income other than his pension.

A physician states that the claimant has been permanently disabled for the past three years, is mentally unbalanced, and suffering from a bad inguinal hernia.

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

H. R. 11830. Annie Felzen, 1429 Wells Street, Milwaukee, Wis., is the widow of John Felzen who served during certain Indian wars, in Company F, Thirty-seventh Regiment United States Infantry, from February 27, 1866, to February 27, 1869, when honorably discharged. (I. W. W. Ctf. 10682.)

The claimant is 72 years of age and 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 June 16, 1877. It is shown by the evidence filed with the bill that the claimant owns no property and no person is contributing to her support. Her annual income aside from pension is $260, earnings as servant.

A physician states that she is practically unfitted for self-support and that she has a cataract on the left eye and that one had been removed from the right.

In view of the claimant’s advanced age and limited earning capacity, it is recommended that she be granted an increase of pension to the rate of $20 per month.
H. R. 11875. Harley Hesler, Veedersburg, Ind., served during time of peace in the United States Marine Corps, from August 26, 1911, to October 12, 1914, when honorably discharged upon report of medical survey. (Inv. Ctf. 1176696.)

Upon his application under the general law filed October 1, 1914, the marine was granted a pension of $17 per month for injury of left knee received while in the service.

Applications for increase have all been rejected.

His last application filed in February, 1926, was rejected on the ground that the evidence failed to warrant a rate of pension in excess of $17 per month.

This rejection was based upon an official medical examination of April 7, 1926, which in part is as follows:

General appearance healthy, nutrition good.
The left leg is smaller than right; there is no deformity or limitation of motion; no crepitus.
The left leg seems much weaker than right. He can not kick out with it except in a feeble manner. There is slight diminution of portella reflex on left side; favors left side in walking, showing weakness, but not a dec ded limp. There is no doubt in our minds that the left leg is weakened fully one-half.

There is an anal fistula on left side 1 inch from anus; opens internally just inside sphincter ani.

Injured left leg, $17; anal fistula, $10; flat feet, $6.

From these disabilities, in our opinion, he is entitled to $24 a month.

Fistula and flat feet, not shown to be due to claimant's service.
The claimant is 48 years of age and unmarried.

He owns property valued at $3,000, and witnesses state that they believe that his annual income would not exceed $200; claimant states $250.

A physician states as follows:

Unable to do any manual labor due to the following facts—namely, injury to the left knee during service in the Navy. He now suffers pain all the time; unable to control the lower limb, due to partial paralysis. The joint is loose and easy to dislocate.

He is unable to do manual labor.

Claimant states that he suffers great pain on account of his injured knee making it impossible for him to sleep at night and that in walking the least motion from one side or the other the knee flies out of joint making it impossible for him to perform any sort of manual labor requiring the use of his legs.

The Member who introduced the bill states that he is personally interested in the claimant and can vouch for the statements made by him.

An increase of pension to the rate of $24 per month is recommended.

H. R. 11916. Mary A. Yeates, 810 Armstrong Avenue, Bartlesville, Okla. (Mother's certificate, 726787.)

During the Sixty-eighth Congress your committee recommended that the claimant's pension be increased from $12 to $20 per month upon the following report:

H. R. 1417. Mary A. Yeates, 810 Armstrong Avenue, Bartlesville, Okla., is the dependent mother of Grover C. Yeates, who served during time of peace in Troop M, Thirteenth Regiment United States Cavalry, from March 20, 1907, to December 14, 1908, when honorably discharged. (Moth. Ctf. 726787.)
The claimant is now pensioned at the rate of $12 per month under the
general law, as the mother of the soldier, who died of disease contracted in
the service. She states that she is over 70 years of age and owns a four-room house
worth $1,100 or $1,200, and that her income is her pension and about $10
per week from doing laundry, and witnesses corroborate her and a physician
testifies that she is suffering with nasopharyngeal catarrh and old age and
is not able to earn a living, owing to her advanced age.
An increase of pension to $20 per month is recommended.

The item was stricken out by the Senate on the ground that she
was in receipt of the legal rate of pension for a dependent mother.
The Member that introduced the bill states that the claimant's
physical condition is much worse now than when the previous bill
was introduced.

It appears that a year ago she met with an accident while crossing
the street and that a slight stroke caused by high-blood pressure has
made it impossible for her to work.
It is again recommended that the claimant's pension be increased
to the rate of $20 per month.

H. R. 11930. Augusta Peters, Versailles, Ind., is the widow of
William Peters who served during certain Indian wars in Troop E,
Fifth Regiment United States Cavalry, from December 22, 1876, to
December 21, 1881, when honorably discharged. (I. W. W. Ctf.
10802.)

This widow's claim under the general law was rejected because the
cardiac dropsy of which soldier died was not shown due to his mili-
tary service.

She was married to the soldier April 8, 1885.
He died January 18, 1923, and she is now pensioned at the rate of
$12 per month under the Indian war pension act of March 4, 1917.
She is 68 years of age and has a widow's interest in a farm of 112
acres of rough land worth about $1,500, the farm belonging to her
children.

A physician testifies that she lives alone and has no help and has
a curvature of the spine and hemorrhoids and is unable to work in-
doors or outdoors; that the farm is run down and she is unable to
make any improvements. Witnesses state that no one contributes
to her support and that she has no income except from the farm
which does not pay expenses.
An increase of pension to the rate of $20 per month is recom-
mended.

H. R. 11962. Frank E. Bihl, Fort McKavett, Tex., served during
certain Indian wars, in Company V, Medina County Texas Minute
Men, from September 1, 1872, to August 15, 1873 (intermittent)
when honorably discharged. (I. W. S. Ctf. 9181.)
The claimant is pensioned under the Indian war pension act of
March 4, 1917, at the rate of $20 per month.
He was born April 12, 1850, and is 76 years of age.
He owns two lots upon which there is a frame building, and wit-
nesses state that on account of its location and condition the prop-
erty is worth not more than $500 and does not bring in revenue more
than $25 per year. He has no income other than his pension and
this $25 per year.
A physician states that the claimant is absolutely unable to perform manual labor or do anything to make a living by reason of senility and infirmities.

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

H. R. 11970. William R. Spooner, 613 East Fifth Street, Cincinnati, Ohio. (Invalid Certificate 1211829.)

The claimant was granted a pension of $12 per month by a special act of Congress approved September 22, 1922, said action being based upon the following report:

H. R. 7798. William R. Spooner, 613 East Fifth Street, Cincinnati, Ohio, served during the war with Spain in Company F, First Regiment Ohio Infantry, from August 8 to October 25, 1898, when honorably discharged. (I. O. 1447847.)

He filed a claim for pension under the act of June 5, 1920. It was rejected on the ground that he did not have 90 days' service. He, however, did have 79 days, including an enforced furlough period of 30 days.

The claimant was mustered out of the service with his company. With bill for pension by special act claimant files his sworn statement to the effect that he is 66 years of age, and by reason of disease of kidneys, liver, and eyes he is partly disabled for manual labor, that he owns no property and has no income aside from his labor.

A physician testifies that he is unable to follow any gainful occupation by reason of being afflicted with disease of eyes, kidneys, stomach, and liver, and, in addition, he had to operate on him for lipoma, which greatly enfeebled him.

Two neighbors testify that claimant is one-half disabled by reason of the disabilities, and they verify his statement as to property and income. This committee and the Invalid Pension Committee have a rule to accept 80 days' service as sufficient to grant pensions for service and disability not contracted in the service, but this soldier only had 79 days. It is believed his age and physical and financial condition are such as to warrant a small pension for the service rendered, so $12 per month is recommended.

He is now 71 years of age, owns no property, and has no income aside from his labor.

A physician states that claimant in 1924 had a fall and received injuries permanently affecting his left shoulder, elbow, knee, and ankle, that he is also suffering with heart trouble, shortness of breath, and asthma, and taking the soldier's age into consideration he is practically wholly disabled. Witnesses state that they do not know of any work that he could do.

The minimum rate now allowed Spanish war veterans under the act of May 1, 1926, is $20, and it is recommended that the claimant's pension be increased to that amount.

H. R. 12033. Josiah Davis, Altoona, Kans., served during certain Indian wars in Company D, Nineteenth Regiment Kansas Cavalry, from October 20, 1868, to April 18, 1869, when honorably discharged. (I. W. S. ctf. 7119.)

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

He is 76 years of age and owns a house worth about $500, and a few household goods and has no income except his pension, and is physically unable to do ordinary farm labor from infirmity of age, rheumatism, etc.

An increase of pension to the rate of $30 per month is recommended.
PENSIONS AND INCREASE OF PENSIONS

H. R. 12057. Ida M. Hamill, 1200 U Street SE., Washington, D. C., is the widow of Robert Hamill, who served in the Regular Establishment, in the United States Marine Corps, as drummer, from January 23, 1872, to December 25, 1878, when honorably discharged. (Navy Wid. Ctf. 19062.)

The marine was pensioned at the rate of $24 per month under the general law for disease of heart. He died of heart disease December 4, 1907, and the claimant has been granted a pension of $12 per month under the general law.

She was married to the marine January 21, 1886, and is 71 years of age.

It is shown by the evidence filed that she owns no property and has no income.

A physician states that claimant is suffering with chronic articular and muscular rheumatism and can only go to and from her office with great difficulty and pain. He states that claimant also has high blood pressure and that on account of her physical condition she recently was absent from her official duties for a month.

The claimant was employed in the Treasury Department at a salary of $1,440 per year and since the physician’s affidavit was filed she was dropped from the rolls on account of reduction of force. She was in the Government service but a short time and is not entitled to retirement.

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

H. R. 12072. Mary Jane Redman, 211 Scioto Street, Urbana, Ohio, is the widow of William L. Redman, who served during the war with Spain in Company D, Third Regiment Ohio Infantry, from April 26 to July 14, 1898, when honorably discharged on certificate of disability on account of hemorrhoids existing prior to enlistment. (Wid. Orig. 1242780.)

In June, 1899, the soldier filed a claim for pension for piles and bloody flux, which was rejected as to piles because same existed prior to enlistment and as to flux on the ground of no disability.

The widow’s claim under the act of September 1, 1922, has been rejected because soldier rendered less than 90 days’ service and was not discharged for disability due to service.

The claimant has furnished record evidence showing her marriage to the soldier October 15, 1868, and his death September 3, 1925, and evidence showing that there was no other marriage of either and no divorce.

The claimant is 78 years of age, and has no property or income and is supported by her daughter and son-in-law.

The soldier had a service of 80 days, lacking only 10 of the required 90 days of service, and he was discharged because physically unable to serve any longer.

In the certificate of disability the surgeon stated that while the history given was that the disease was of several years standing it had been quiet for some time and only recently aggravated by the unaccustomed duties and exposures of camp life.

The committee recommends allowance of a pension of $30 per month.
H. R. 12074. George E. West, Soldiers' Home, Sawtelle, Calif., served during certain Indian wars in Company D, Fifteenth Regiment United States Infantry, from January 10, 1880, to January 9, 1885, when honorably discharged. Also served in the Regular Army from September 21, 1885, to September 5, 1890. (I. W. S. Ctf. 11730.)

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

He is 66 years of age, has no property or income except his pension, and the evidence shows that he is totally blind. He is not married.

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

H. R. 12095. John F. Martin, Annex Hospital, National Soldiers' Home, California, served during time of peace in the Medical Department, United States Army. He enlisted July 30, 1923, and was honorably discharged at Fitzsimons General Hospital April 10, 1924, on account of chronic active pulmonary tuberculosis, slight pneumoconiosis (disease of lungs due to dust) and chronic laryngitis, all existing prior to enlistment and not incurred in line of duty. (I. O. 1500575.)

The claimant was first treated in the service for above disabilities, September 24, 1923, less than two months after enlistment.

No physical defect was found upon examination for enlistment except an external hemorrhoid.

His claim for pension filed April 24, 1924, based on tuberculosis, pneumoconiosis and laryngitis was rejected September 11, 1924, on the ground that those disabilities existed prior to the date of his enlistment, as shown by the records of the War Department.

The soldier stated in his affidavit that he entered the service in perfect physical condition and was immediately assigned to service in the operating room of Fitzsimons General Hospital, Denver, Colo.; that about August 10, 1923, he was transferred to the lower west ward to attend tubercular patients in the last stages of the disease, coming in close contact with them, as his duties included personal care, handling clothing and receptacles, and in September, 1923, he was confined in the hospital suffering with tuberculosis.

He filed an affidavit of his family physician, who stated that he examined claimant in the years 1921 and 1922, and found him in perfect health, and having been the soldier's family physician he was in a position to state his physical condition before and after discharge, and that the only ailment soldier had prior to service was tonsillitis, and after he removed his tonsils in 1918, he was in perfect health until his discharge from the service. Soldier also filed affidavits of several witnesses who stated that they boarded and worked with soldier from the year 1908 until July, 1923, and that during all of said time claimant was in good health and able to perform hard manual labor and free from any symptoms of tuberculosis. There was also filed an affidavit of a comrade who stated that when he first met claimant in the service he appeared to be in good health, that claimant was assigned to duty in a ward for patients who were in the last stages of tuberculosis and afterwards learned that claimant had contracted the disease.
Your committee called upon The Adjutant General, War Department, for a statement showing from what information the War Department based its statement that claimant's disabilities were not due to his military service and the reply was that such a statement was made from the soldier’s own statement.

The report is as follows:

With further reference to your letter of August 14, 1926, in which you request a report on the illness of John F. Martin, who served as a private in the Medical Department from July 30, 1923, to April 10, 1924, I am pleased to inform you that investigation of the clinical record of this man shows that he enlisted in the Army on July 30, 1923, and was admitted to the Fitzsimons General Hospital September 24, 1923, for tuberculosis, pulmonary, chronic, active, both upper lobes; pneumoconiosis, slight, laryngitis, chronic, tuberculous, inactive. His clinical record shows that he admitted that he had had “asthma” prior to his enlistment, and he also stated that he had to quit mining in 1917 on account of shortness of breath and cough. He told the officer who examined him after he was admitted to the hospital that his condition began in 1916, with shortness of breath and severe cough in the morning, with gradually increased intensity for about a year. He also stated that at this time he had severe pain in his chest, with profuse expectoration. He was told that he had miner’s asthma, and was advised to leave the mines. He further said that during this time he had rises in temperature. During the fall of 1921, and until July, 1923, he stated he had to avoid very dusty work. He was recruited at Trinidad, Colo., and sent to Fitzsimons General Hospital. He went to work in the operating room and his history states that he was short of breath all the time. From the operating room he was transferred to another part of the hospital. At that time he had a persistent cough, when he was influenced by the ward officer to have his chest examined and to have X rays taken. As a result of this examination he was admitted as a patient to the hospital September 24, 1923.

The source of the above history of this man's illness was a history given by himself to the physician who examined him on admission to the hospital. The disability board at that time also evidently based its findings of "not in line of duty" on the X ray and physical examination of the man.

The soldier is 33 years of age, divorced from his wife, and is shown to own no property or have any income.

The governor and surgeon of the Soldiers' Home, Hot Springs, S. Dak., stated September 4, 1926, that the claimant is suffering with chronic, moderately advanced, active tuberculosis, complicated with chronic asthma and that he is permanently and totally incapacitated, and his condition from said disease is progressive.

From the official records it appears that the soldier’s physical condition existed prior to enlistment, and that he had chronic, active tuberculosis less than two months after enlistment. However, at enlistment no physical disability was found except an external hemorrhoid.

Your committee recommends a pension of $12 per month.

H. R. 12102. Anna M. Carroll, Savoy, S. Dak., filed an application for pension as the widow of Daniel P. Carroll, who served in Company K, Third Nebraska Infantry, in the war with Spain from May 27, 1898, to May 11, 1899, which was rejected because she was not the legal widow of the soldier as at the date of her purported marriage to him he had an undivorced wife who was still living.

She was then granted a pension of $12 per month, with $2 per month additional for each of two minor children under 16 years of age, by a special act, which was subsequently increased to $20 per month with $4 per month additional for each child by another
special act approved December 8, 1924, which was based upon the following report:

H. R. 4427. Anna M. Carroll, Savoy, S. Dak., is the widow of Daniel P. Carroll, who served during the war with Spain, in Company K, Third Regiment Nebraska Infantry, from May 27, 1898, to May 11, 1899, when honorably discharged. (Wid. Cert. 900256.)

Claimant is now pensioned at $12 per month with $2 per month additional on account of each of two children of soldier under 16 years of age, which pension was granted by a special act approved March 3, 1921, and based upon the following report:

"The soldier was pensioned for disease of stomach at the rate of $12 per month and died from disease of heart January 22, 1917, immediately following an operation for the disease for which he was pensioned.

"The claimant filed a claim for pension for herself and two minor children. It was rejected on the ground that claimant was not shown to be the lawful widow of the soldier. This action was taken after special examination.

"The facts in the case, as shown by the evidence, appear to be as follows:
The soldier was first married to Anna M. Geary, January 1, 1903. The claimant was first married to Charles E. Hypes in June, 1899. She was divorced from Hypes July 18, 1906. The claimant and soldier were married August 1, 1909, and lived together as husband and wife about eight years, and two children were born.

"Before claimant married soldier he admitted having been married to Anna M. Geary, but stated that she had died. After he married claimant he told her that he had secured a divorce from the Geary woman, and claimant appears to have been in complete ignorance of there being any bar to her marriage.

"Since this claim for pension came up, the first wife of the soldier has been located and she was remarried to Guy E. Olmstead, February 28, 1911, believing that soldier had obtained a divorce from her. However, she made an investigation on her account and not being able to find whether soldier obtained a divorce, if he did, she again married Olmstead since soldier died.

"The soldier separated from the Olmstead woman in Omaha, she going to Kansas City, where she remarried. After the separation soldier continued to live in Omaha until he went to South Dakota to settle on a land claim just before he met claimant and married her.

"The Member who introduced the bill has filed the following statement in part before the committee:

HOUSE OF REPRESENTATIVES,
Washington, D. C., January 14, 1921.

CHAIRMAN COMMITTEE ON PENSIONS,
House of Representatives, Washington, D. C.

Sir: For consideration in connection with the above case, I hand you here-with inclosed evidence in support of the bill.

This is a particular meritorious and an especially pitiful case. Mr. and Mrs. Carroll were highly respected people of Belle Fourche, S. Dak., where they lived for some years prior to his death. For an ailment contracted in the Spanish-American War he submitted to an operation at Battle Mountain Sanitarium, Hot Springs, S. Dak., of the National Home for Disabled Volunteer Soldiers and died on the operating table or just shortly after being removed therefrom. Mrs. Carroll filed an application for pension and it was then disclosed that Mr. Carroll had previously been married.

Mr. Carroll had told her that he was divorced and she and her friends and relatives made every effort to locate the record of that alleged divorce, but without success. After a long search I succeeded in locating Mr. Carroll's former wife, then living at 1050 North Church Street, Decatur, Ill., her name being Mrs. Anna Olmstead, she having also married again. A letter to me from Attorney Henson gives Mrs. Olmstead's statement that she understood divorce had been procured by Carroll. Be that as it may, we are unable to locate record evidence of the divorce and can only offer Mr. Carroll's statement to his second wife, who was and is a very estimable lady, that he had been divorced from his former wife.

I have made personal inquiry and find that Mrs. Carroll has made a heroic struggle to care for her children since the death of Mr. Carroll. She is now living in the mountains west of Lead, S. Dak., broken down in health, and both children have been ill this winter.
Personally, I believe Carroll was divorced from his former wife, notwithstanding the fact that we can not show record evidence thereof. He was an upright, honorable man and would not have married without a divorce. He was regularly married, as is evidenced by the marriage certificate. Two children were born in wedlock, and notwithstanding this lack of record evidence of the divorce of their father, they are children of a Spanish War veteran.

Out of my personal knowledge of the case and with extreme sympathy with this brave mother and her children, I have the honor to urge of you and your committee that the doubt be resolved in her favor and that a pension be granted to her and her children. In my six years of service in this House no more meritorious case has come to my attention. Right and justice will be served by favorable consideration of this bill.

Very sincerely yours,

HARRY L. GANDY.

"Additional evidence is to the effect that claimant owns no property and has no income except as a domestic with which to support herself and children, and that she is badly afflicted with disease incident to motherhood.

"It is believed that claimant should be accepted as soldier's lawful widow and a pension of $12 per month and $2 per month additional for each of soldier's minor children be granted, and it is so recommended.

"Claimant states that she is 48 years of age, and owns a cow, 18 chickens, and a homestead filing near Savoy, S. Dak., and her income is her pension; and evidence filed shows that the homestead is worth about $700 or $800, and witnesses testify that since May, 1923, claimant has been ill and unable to work.

"Dr. Allen G. Allen testifies that claimant has a hernia, hemorrhoids, and kidney trouble, which prevent her from earning a livelihood for herself and children.

"As Congress has recognized claimant as soldier's widow by the passage of the act of March 3, 1921, which granted her the rate then provided by law for the widow of a soldier who served in the war with Spain, your committee is of the opinion she should now be allowed the increased rate provided by the act of September 1, 1922, which is $20 per month and $4 additional for each child under 16 years of age, and it is so recommended.

Upon the passage of the act of May 1, 1926, by which the pensions of widows of soldiers of the war with Spain were increased, the Pension Bureau increased this woman's pension to $30 per month with $6 per month additional for each child from June 4, 1926, by virtue of said act. This action was subsequently determined to be erroneous, as, not being the legal widow of the soldier, she was not entitled to the increase provided by that act; and pension at the higher rate was stopped and payment resumed at the rate provided by the special act.

She is 50 years of age, and has a homestead in Lawrence County, S. Dak., of 160 acres, for which she states she has received a receiver's receipt but on which patent has not yet issued and that the same is worth about $1000, and she has personal property worth less than $100, and it appears that she has no income otherwise. Medical testimony is to the effect that she has not been able to do her work for several years, and that she was operated on at Mayo's for gallstones in April, 1924, and that she also has a hernia on each side and other troubles.

Congress having accepted her as the widow of the soldier and granted her the rate of pension provided for widows of Spanish War soldiers in 1921, and in 1924 granted her the increase provided for such widows by another special act, it is believed that she should now be allowed the increased rate provided by the act of May 1, 1926—that is, $30 per month with $6 per month additional for each child.
H. R. 12231. Mary Shapiro, 72 Monmouth Street, Newark, N. J., is the dependent mother of Louis Shapiro, who served during the World War and in the regular establishment after the war until he was drowned July 12, 1925. He served from April 12, 1917, to July 7, 1919, when honorably discharged and was overseas from June 10, 1918, to June 30, 1919.

He enlisted in Company F, First United States Engineers, October 22, 1922, and was honorably discharged from the Quartermaster Corps, United States Army, June 15, 1923. Again enlisted July 30, 1924, and while serving with Headquarters Company, Sixteenth United States Infantry, was drowned on the 12th day of July, 1925. (Mother's Orig. 1237974.)

The applicant's claim for pension was rejected by the Pension Bureau February 5, 1926, on the ground that the soldier's death from drowning was not incurred in the line of duty, but while absent from his command on a pass.

The claimant states that soldier lost his life while trying to save the life of another. The report of the War Department relative thereto is as follows:

The records show that on July 12, 1925, the day he was drowned, he, with three companions, was out motoring for the day. They had their bathing suits with them, and when they got to Pompton Lake and saw the crowd of bathers they decided to go in bathing. They had been in the water about 10 minutes. In water about waist deep when Private Shapiro and one of the girls waded out a little deeper. Private Shapiro could swim, so nothing was thought of it. They waded out a little deeper and suddenly went down. The girl's scream attracted the attention of other bathers. She was taken out of the water and worked over for about 15 minutes. They thought Private Shapiro was not in the water, but finally went back for him and brought him up. They worked over him a long time, but he was dead. Private Shapiro had not been drinking, and he was on authorized week-end pass.

The records show that he met his death by accidental drowning in the Passaic River while in line of duty on authorized week-end pass, and that his death was not the result of his own willful misconduct.

It is shown by the evidence that the claimant is the soldier's mother, that she is a widow and that the soldier left no wife or child. He was married. However, it is shown by a certified copy of a decree of the chancery court of New Jersey that his wife, Anna C., was granted an absolute divorce from him December 11, 1922.

It is also shown that claimant has no title to war risk insurance or compensation.

The claimant is 49 years of age; owns no property, and has no income. She has three children to support aged 4, 16, and 18 years, respectively. She has two older children aged 22 and 25 years, who pay $10 per week each for their board.

A physician states that claimant is absolutely unfit to perform any hard work and is unable to support herself; that she has varicose veins, articular rheumatism, and female troubles.

It is believed that soldiers must have recreation to keep them fit for service, and that this soldier's death by accidental drowning while on pass should be held to be in the line of duty. The War Department holds that it is.

A pension of $12 per month is recommended by your committee.
H. R. 12236. Oliver H. P. Beagle, Roseburg, Oreg., served during the Oregon and Washington Territory Indian wars, in Company A, Second Regiment Oregon Mounted Volunteers, from October 23, 1855, to February 6, 1856, when honorably discharged. (I. W. S. Ctf. 4985.)

This soldier is now pensioned at the rate of $20 per month under the Indian war pension acts of June 27, 1902, and March 4, 1917. He is now 94 years of age, wholly unable to work and has no property and no income except his pension.

In 1915, he stated, he was divorced from his wife and has no living children.

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

H. R. 12247. Nannie McC. Chase, 3814 Woodley Road, Washington, D. C., is the widow of Brig. Gen. George F. Chase, whose military history is as follows: Served as a cadet at Military Academy from July 1, 1867, to June 12, 1871, when graduated and appointed second lieutenant, Ninth Infantry; was transferred to Third Cavalry May 8, 1872; promoted first lieutenant March 20, 1879; promoted captain November 25, 1887; promoted major February 2, 1901; promoted lieutenant colonel April 15, 1903; promoted colonel October 2, 1906; detailed inspector general (act February 2, 1901) May 3, 1907; appointed brigadier general May 16, 1912; accepted July 19, 1912, and retired July 29, 1912. He died December 13, 1925, at Walter Reed General Hospital, this city. This officer rendered no active duty since retirement. (Wid. Ctf. 969683.)

The officer having served during the war with Spain, claimant was granted a pension of $20 per month under the Spanish War pension act of September 1, 1922; this pension was increased to $30 per month under the new Spanish War pension act of May 1, 1926.

The claimant is 65 years of age, and was married to the officer October 30, 1888.

It is shown by the evidence filed with the bill that she owns the house in which she lives, valued at $10,000 to $12,000, and in addition owns real-estate mortgages and a few shares of stock, and including the house valued in all at $15,040. Her annual income from all sources, including pension, is from $410 to $470. This statement covers the $10 more per month additional that the Spanish War pension act of May 1, 1926, gave her.

Witnesses state that claimant's two daughters live with her and support themselves, but they were not in a position to render any effective financial aid to their mother.

A physician states that the claimant is approximately 80 per cent disabled.

The committee requested that the claimant furnish her statement showing when her home in Washington, D. C. was purchased and where her two daughters are employed.

Mrs. Chase in answer filed her statement stating that Mr. Chase purchased the home in which she now resides in July, 1925, he having sold their former home on Q Street, Washington, D. C., and that her eldest daughter has a position in the State Department at a salary of $1,500, and her youngest daughter a temporary position at the National Cathedral at a salary of $90 per month, and that
this youngest daughter has been in poor health for sometime and is not at all certain that she will be able to continue indefinitely her present employment.

In view of the officer's long and faithful service and of the conditions shown, your committee recommends that the claimant's pension be increased to the rate of $40 per month.

H. R. 12260. James Shaw, United States Soldiers' Home, Washington, D. C.

The soldier's pension was increased from $6 to $12 per month by a special act of Congress approved December 8, 1924; said action being based upon the following report:

H. R. 8436. James Shaw, United States Soldiers' Home, Washington, D. C., served in the Regular Establishment, United States Navy, from February 1, 1872, to April 23, 1874. He enlisted in the Regular Army, Battery G. Third Regiment United States Artillery, April 27, 1874, and served continuously in the same battery until April 26, 1884, when honorably discharged. (Navy Inv. Cert. 4605.)

He is pensioned under the general law at the rate of $6 per month for loss of middle toe of the left foot, due to his naval service and in the line of duty. Claims for increase have been rejected.

His claim under the Indian war act of March 4, 1917, was rejected March 17, 1922, on the ground that a report from the records of the War Department fails to show that he participated in any Indian war or campaign covered by the provisions of the act. This action was affirmed by the Assistant Secretary of the Interior on appeal.

The soldier alleged that he served in the campaign against the Cheyenne and Sioux Indians.

The Secretary of War, in a letter addressed to the Member who introduced the bill, made the following statement April 2, 1924, relative to the claimant's service:

"From the date of his first enlistment until the date of final discharge this soldier was stationed as follows: April 27, 1874, to July 17, 1876, at Fort Hamilton, N. Y.; thence to July 22, 1876, en route to and at Fort Leavenworth, Kans.; thence to July 25, 1876, en route to and at Witchita, Kans.; thence to January or February, 1877, en route to and at Fort Reno, Ind. T.; thence to March or April, 1877, en route to and at Indianapolis Arsenal, Ind.; thence to May or June, 1877, en route to and at Madison Barracks, N. Y.; thence to July 21, 1877, en route to and at Fort Schuyler, N. Y.; thence to September 12, 1877, en route to and at Mauch Chunk, Pa.; thence to November 19, 1881, en route to and at Fort Schuyler, N. Y.; thence to or about December 23, 1881, en route to and at Key West, Fla.; thence to December 1, 1882, en route to and at Fort Brooks, Fla.; thence to the date of his discharge at St. Augustine, Fla."

"It will be noted that the only period when this soldier was serving west of the Mississippi River or in a region near where there were bands of Indians was between July, 1876, and January or February, 1877, when he was in Kansas and Indian Territory, and that he was at Fort Reno for about five or six months following the summer of 1876."

"It is held by the War Department and the Bureau of Pensions that neither the Indian Territory nor Kansas was in the zone of the campaign of 1876-77 against the Northern Cheyennes and Sioux, nor any of the other Indian campaigns named in the pension act of March 4, 1917. The said campaign of 1876-77 was in the region of Nebraska, the Dakotas, Wyoming, and Montana. The War Department does not consider that this soldier served in the campaign against the Northern Cheyennes and Sioux of 1876-77 or any other campaign named in the act mentioned, or in connection with any other active Indian hostilities."

"With reference to your statement that you are advised that the War Department at one time considered service at Fort Reno to have been in the zone of the Indian campaign of 1876-77, you are informed that from the date of the passage of the Indian war pension act of March 4, 1917, until about the latter part of April, 1920, the War Department was disposed to consider Fort Reno, Fort Sill, and some other posts in Indian Territory to have been in the zone of the
campaign of 1876-77 against the Northern Cheyennes and Sioux. That attitude was due to the restlessness of certain Indian bands then interned in Indian Territory who were known to have been in sympathy with the warring Indians at the north, to the fact that the act of March 4, 1917, did not specify the limits of said campaign, and to the desire of the War Department to put as liberal construction as possible on the remedial legislation embodied in that act. However, upon a careful examination of the subject early in 1920, the War Department took the position that the campaign of 1876-77 against the Northern Cheyennes and Sioux could not properly be construed to include any part of Indian Territory or Kansas, where there was no war, and this position was in accord with the view of the Commissioner of Pensions.

"Very sincerely yours,

"John W. Weeks,"
"Secretary of War."

Claimant is 78 years of age. He states that he is a widower, that he owns no property and has no income.

Witnesses do not give the soldier's financial condition.

A physician states that the soldier is wholly unable to perform manual labor, that he has poor vision and hearing, catarrh of head, loss of teeth, irregular heart, poor digestion, urinary trouble, lumbago, disease of rectum, left inguinal hernia, loss of middle toe left foot, and general debility.

In view of the soldier's age, his poor physical condition, that he had over 12 years' honorable United States service and was at least in Indian country, if not in the zone of active Indian hostilities and receiving a small pension for disability due to service, your committee recommends that he be given a small increase to $12 per month.

Claimant is now 79 years of age, but appears much younger.

He owns no property and has no income other than his pension.

A physician states as follows relative to his physical condition:

A physical examination made this 18th day of November, 1926, shows the following conditions: Age 79 years. Chronic bronchitis for past seven years. Left inguinal hernia for three years. Rectal ulcers and irritation, following yellow fever while in service. Hypertrophy of prostate. These conditions render him unfit and totally disabled permanently from performing any form of labor to earn a livelihood.

Claimant’s pension was increased from $6 to $12 per month by a special act of Congress approved December 8, 1924, is a widower and an inmate of a soldiers’ home.

Some of the soldiers who served with claimant are pensioned as Indian war soldiers under the act of March 4, 1917. These pensions were allowed before the War Department held that this organization was not in the zone of the Indian campaign of 1876 and 1877 against the Northern Cheyennes and Sioux.

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

H. R. 12339. Alfred Goodthunder, Morton, Minn., served during certain Indians wars as private Indian scout United States Army. His service as given by The Adjutant General, War Department, is as follows:

The records show that Alfred Goodthunder enlisted June 24, 1874, at Fort A. Lincoln, Dakota Territory, for six months, and was assigned as a private to a detachment of Indian scouts commanded by Second Lieut. George D. Wallace, Seventh Cavalry, and that he was honorably discharged as a private of that organization September 7, 1874, at Fort A. Lincoln, in pursuance of telegraphic instructions from the headquarters of the Department of Dakota.

This soldier was stationed at Fort A. Lincoln from June 24 to July 2, 1874; thence to August 30, 1874, with an expedition to and from the Black Hills, Dakota, and thence to September 7, 1874, at Fort A. Lincoln.
This soldier did not serve in any of the Indian campaigns named in the pension act of March 4, 1917. However, the expedition which he accompanied to the Black Hills in July and August, 1874, was a military reconnaissance for the purpose of observing or chastising hostile Indians. Nothing is found to show that expedition had any clashes with Indians. (I. O. 1262022.)

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

His claim under the general law filed February 4, 1901, was rejected on the ground that the alleged injury to breast and small of back was not shown to have been due to his military service. He claims that while making a charge upon Indians while in the service his horse fell and injured his back and breast. Claimant is unable to prove this by satisfactory evidence.

The applicant is about 80 years of age.

It is shown by the evidence that he owns no property other than a team of ponies and has no income, but is being supported by charity. The soldier claims that he has $3,000 due him from the sale of land allotment in State of Nebraska.

A physician states that claimant is wholly unable to work, on account of general enfeeblement, the result of his old age.

It is believed that claimant should be regarded as an Indian war soldier, and it is recommended that he be granted a pension of $20 per month.

H. R. 12355. Sylvester L. Blauvelt, jr., Thedford, Nebr., served during certain Indian wars in Company C, Ninth Regiment United States Infantry, from April 24, 1872, to April 24, 1897, when honorably discharged. (I. W. S. Ctf. 6510.)

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

He is 72 years of age and has no property except a few household goods and no income other than his pension and a physician testifies that he has a cancer on the left side of his nose, is weak, and unable to do any manual labor.

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

H. R. 12382. Lewis H. Wallace, Washington, Iowa, served during certain Indian wars in Troop C, Ninth Regiment United States Cavalry, from September 27, 1872, to September 27, 1877, when honorably discharged. (I. W. S. Ctf. 7364.)

Soldier is now pensioned at the rate of $20 per month under the Indian war pension act of March 4, 1917, his general-law claim having been rejected years ago.

He is 86 years of age and owns a small home and household goods, all worth about $1,200, with a mortgage on the home of $700.

His only income is his pension and $10 per month from a State soldiers' relief fund, and outside of this he and his wife are dependent upon friends. From infirmities of age and other troubles, he is unable to work.

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

A similar bill was favorably reported in the Senate in the Sixty-eighth Congress (S. 3587, Rept. 966, p. 147), but it died on the calendar.
H. R. 12385. Green W. Blakely, Huntsville, Tenn., is the dependent father of Joseph W. Blakely, who served in the Eighth Company, United States Coast Artillery, from July 23, 1901, to July 22, 1904, when honorably discharged, and in the Eighty-first Company, United States Coast Artillery, from February 16, 1905, to November 19, 1906, when he died in service and while on furlough from asphyxiation from illuminating gas, accidental. (Father’s Orig. 1168876.)

The Pension Office rejected the claim April 5, 1921, on the ground that the soldier’s death by asphyxiation from illuminating gas while on ordinary furlough was not in line of duty, hence he has no title to a pension.

The evidence in the case shows the relationship of the soldier to the petitioner, the death of the soldier’s mother, and that the soldier left no widow or minor child.

The law requires that the soldier’s death must be due to his military service and in the line of duty to grant pension to dependent parents. He did die while in the service; but as shown by the records of the War Department, he was on furlough at the time and his death was accidental.

The claimant is an old man 78 years of age.

It is shown by the evidence filed with the bill that the claimant has no property or income, and no child to contribute toward his support, but that he goes from house to house begging.

A physician states that your applicant is practically blind in both eyes, partly deaf, very feeble, and depends upon charity and friends for his support.

A pension of $12 per month is recommended.

H. R. 12431. Ellen Cannon, Box 288, Canon City, Colo., is the widow of Dennis F. Cannon, alias Dennis Canning, who served during the campaign against the Cheyennes and Kiowas Indians in Kansas, in Troop K, Seventh Regiment United States Cavalry, from September 3, 1866, to May 16, 1867, when honorably discharged. (I. W. W. Ctf. 10841.)

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

She is 69 years of age and it is shown by the evidence filed with the bill that she owns a small house and about 1 1/2 acres of land worth about $700, and that she has no income other than her pension. She has no child or relative who contributes to her support.

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

That he is a practicing physician, and has been acquainted with the above-named claimant for about three years, and that I examined to-day Mrs. Ellen Cannon and find her physical condition as follows: Patient is aged 69, weighs 235 pounds. She has a far-advanced carcinoma of left breast, with metastases to axillary and cervical glands. She has a chronic myocarditis and chronic cardiac valvular disease with associated dyspnea and edema of ankles. The above conditions disable her from work and she should have the personal attention of an attendant.

The soldier and claimant were married November 30, 1875, and lived together until he died October 16, 1923.

An increase of pension to the rate of $20 per month is recommended.
H. R. 12474. James J. Kadien, 105 Hudson Street, Hoboken, N. J., served during the war with Spain and Philippine insurrection as seaman in the United States Navy from May 17, 1898, to October 7, 1898, when honorably discharged; from December 30, 1898, to June 4, 1899, when he deserted; and from June 15, 1900, to June 11, 1904, when he was honorably discharged. (Inv. Orig. 1434215.)

The records of the Navy Department show treatment in service for diarrhea.

The sailor has no disabilities shown to be due to his naval service. His claim for pension under the Spanish War pension act of June 5, 1920, was on January 5, 1921, rejected on the ground that he was not honorably discharged from all services contracted for during the war with Spain, Philippine insurrection, and China relief expedition, having deserted from his first service June 4, 1899. He has no title under the new Spanish War pension act of May 1, 1926, as the service from which he deserted began during the war with Spain and ended during the Philippine insurrection.

The claimant’s sworn statement relative to his desertion is as follows:

In the year of 1899 I deserted. I was six days away from my ship. I returned in six days, and was not recognized. I stayed in Porto Rico about 10 days waiting for a ship. I worked my way back on the U. S. S. Logan. I then enlisted in the Navy in New York, as my discharges, which you have, show. I can’t remember the name of the officer to whom I applied for reinstatement. The ship was laying outside of the harbor, and after being away for six days we went out to the ship in a rowboat, and they would not recognize us.

The sailor is 46 years of age and married. He owns no property. The Member who introduced the bill states as follows relative to the sailor’s physical and financial condition:

Kadien and his wife are doing janitor work to help pay for the small flat they occupy. His wife does not get any money at all for the services. It goes in part payment of their rent.

As I said in a previous letter, I personally know Kadien. In addition to the janitor work, he tries to earn some money by carrying small baggage at the steamship pier in Hoboken. I don’t suppose he makes $25 a month at it. There is no doubt he is in bad shape and is absolutely unable to do any manual labor which requires any exertion. Won’t you please recommend his pension?

A physician states that the claimant has been under his treatment for the past few years suffering with tuberculosis, complicated with gastric trouble, and that the aforesaid conditions prevent claimant from performing manual labor. Witnesses also state that the claimant has been unable to perform manual labor for some time.

This sailor was in the service almost continuously from the beginning of the war with Spain until after the ending of the Philippine insurrection; he had two honorable services and enlisted all three times under his correct name.

It is recommended that he be granted a pension at the rate of $30 per month.

PENSIONS AND INCREASE OF PENSIONS

The soldier was formerly pensioned under the general law at the rate of $17 per month on account of injury of his right eye, causing impaired vision of same and rheumatism and nasopharyngeal catarrh. Renewal and increase was rejected September 27, 1924.

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

He is 78 years of age, and a physician testifies he is wholly disabled for labor from diseases and the infirmities due to age.

He owns property worth about $1,600 and has no income except his pension. A witness states he is almost blind and can not talk above a whisper. He is married.

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

H. R. 12545. Thelma Rose Smith, 223 Spring Street, Newport, R. L., is the widow of Augustus A. Smith, who served in the United States Navy, from February 2, 1917, to November 2, 1920, and from November 3, 1920, to September 25, 1925, when he died in the service. (Wid. Ctf. 971249.)

The sailor was a member of the crew of the United States submarine S 51, which was rammed by a steamer and sunk off Block Island. He was among the members of the crew who were lost.

The claimant is in receipt of a pension of $12 per month and $2 per month additional on account of a minor child of the sailor.

Claimant was married to the sailor July 23, 1924.

It is shown by the evidence that she is but 20 years of age, owns no property, has no income, and is dependent on her pension and aid given her by her mother.

A physician states that claimant’s physical condition is such as to render her unable to work to support herself and small child; that she is troubled with a high degree of nervousness and is an anemic. Sailor’s death was duty to his service and in the line of duty, and claimant, although young, has a baby less than 2 years old to support.

Your committee recommends that her pension be increased to $20 per month, and the continuance of the additional $2 per month for the sailor’s minor child until it reaches the age of 16 years.


Physical examination at enlistment showed slightly defective sight of left eye and of hearing of left ear, slightly flat feet, and slight bronchitis.

The records show treatment in service as follows: September 19 to November 20, 1925, for post encephalitis Parkinsonian syndrome, existed prior to enlistment; also for dental caries, R 6-7-15, L 7-8-12-16, in line of duty.

Soldier was discharged from service on certificate of disability because of post encephalitis Parkinsonian syndrome which did not originate in line of duty, but prior to enlistment.

The disability appears to have been some inflammation of the brain substance with paralysis agitans.
Claim for pension was filed a few days after discharge for paralysis which soldier stated came on May 15, 1925. The claim was rejected February 26, 1926, on the ground that the disability existed prior to enlistment as shown by the records.

In support of the bill the affidavits of several persons have been filed all of whom testify that prior to enlistment the soldier was sound physically and able to, and did do, hard labor, and was not paralyzed, although from their testimony it appears that he was of low mentality and that his mind was never fully or properly developed.

They also testify that since discharge he has been paralyzed in right side and about 75 per cent disabled.

A physician also testified as follows:

I treated said Meek in fall of 1924 for severe bronchitis. At that time I noticed nothing wrong with his mentality. I have seen him often since his discharge from the Army; he is now very feeble-minded, practically paralyzed on right side, unable to care for himself entirely. I didn't observe any paralysis when I treated him in 1924.

A. Howard.

The soldier is 23 years of age and has no property or income.

He states he was married, but has been divorced, and that he has one child.

While soldier was apparently subnormal mentally and his affection of brain not due to service there is nothing, aside from the statement in the record, to indicate that he had any form of paralysis before he enlisted and the evidence filed in support of the bill shows that he was engaged in, and able to do, hard and laborious work, and the committee believes that as condition may, to some extent at least, be due to his service and therefore recommends that he be granted a pension of $12 per month.

H. R. 12726. Emeline S. Bryan, Turner, Me., is the widow of Edward Bryan, who served over 30 days in southern Oregon in the campaign against hostile Indians in 1867 and 1868. He enlisted in Company I, First Regiment United States Cavalry, April 6, 1867, and was honorably discharged December 24, 1869. (I. W. W. Ctf. 10076.)

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

She is 76 years of age, and it is shown by the evidence filed with the case that she owns no property and has no income other than her pension of $12 per month, and she is living with her married daughter who has seven minor children to support.

The claimant and the soldier were married June 15, 1871, and they lived together until his death September 23, 1921.

A physician states that by reason of old age and poor eyesight the claimant is wholly disabled; that she has cataracts in both eyes; vision in left eye 1/20 and 4/20 in right eye.

In view of the claimant's advanced age and poor physical and financial condition, your committee recommends that her pension be increased to the rate of $20 per month.

H. R. 12728. Ida Anz, 705 Sandmeyer Street, San Antonio, Tex., is the widow of Albert Anz, who served during certain Indian wars in Troop G, Fourth Regiment United States Cavalry, from
August 28, 1869, to August 28, 1874, when honorably discharged. (I. W. S. Ctf. 8063; I. W. W. Orig. 17253.)

The soldier was pensioned under the Indian war pension act of March 4, 1917. However, the claimant's application under the same act was rejected because a subsequent report from the records of the War Department stated that soldier did not serve 30 days in the campaign against the Comanche Indians in Texas in 1874 and that his report in the soldier's claim was wrong.

The Adjutant General in a letter addressed to your committee states as follows relative to the soldier's service:

This soldier was at San Antonio to May 28, 1870; thence to July 13, 1871, en route to and at Fort Concho, Tex.; thence to July 24, 1871, in pursuit of Indians, returning to Fort Concho July 24; thence to March 20, 1873, at Fort Concho; thence to July 27 in the field in Texas; thence December 24 at camp on the Pedro Pinto, Tex.; thence to March 5, 1874, en route to and at Fort Clark, Tex.; thence to July 6 en route to and at Kerrville, Tex.; and thence to August 28, 1874, en route to and at Fort Clark.

No Indian campaign in Texas in the period 1870-1873 or in 1874 prior to August 11, 1874, is included in the pension act of March 4, 1917, and the campaign of 1874-75 mentioned in that act did not extend as far south in Texas as Fort Clark, where this soldier was serving from and after August 11 of that year when the campaign began. Consequently, it appears that he did not serve in any of the Indian campaigns named in the act mentioned. However, the records indicate that he was in the field in connection with other Indian hostilities for at least 30 days.

Claimant is shown to be the soldier's legal widow and was granted his accrued pension. They were married December 3, 1872, and lived together until his death on the 5th day of April, 1925. They were never previously married and claimant has not remarried.

Claimant is 72 years of age; owns her own home, valued at $600, and has no income. Her sons contribute to her support, but have families themselves to care for.

A physician states that claimant requires constant attendance of another person on account of nephritis, high-blood pressure, and rheumatism.

In view of the report of The Adjutant General, that the soldier served in the field at least 30 days in connection with Indian hostilities other than mentioned in the present Indian war pension acts, your committee recommends that the claimant be granted a pension of $12 per month.

H. R. 12748. Clyde V. Markle, Alexandria, Ind., served during time of peace in Company F, Thirteenth Regiment United States Infantry, from June 19, 1905, to June 18, 1908, when honorably discharged. (Inv. Orig. 1388416.)

The records of the War Department show treatment in service from September 26 to October 4, 1906, for dengue fever, in line of duty.

His claim under the general law filed February 3, 1910, was rejected October 11, 1915, on the ground of no record in the War Department of the alleged rheumatism, catarrh, and deafness of both ears, and of no satisfactory evidence showing origin of the same in the service; and further a ratable degree of disability from rheumatism was not shown.

Claimant failed to appear for medical examination in the year 1910, when he was ordered to do so, and no official medical examina-
tion was made until the year 1914, when the examining board gave him a rating of four-eighteenth for chronic rheumatism and also stated that claimant had nasopharyngeal catarrh with nearly total deafness of right ear and partial deafness of the left.

The soldier claims that while stationed in the Philippine Islands he was exposed to rains while on guard duty and had to sleep in wet clothing and beds; also he was required to perform swimming drills, and on account of the same contracted catarrh, deafness, and rheumatism. In support of his pension claim he filed the affidavit of a comrade, shown by the records to have served with him during the period he alleged to have contracted his troubles, stating that to his own personal knowledge claimant while stationed in the Philippine Islands was afflicted with rheumatism, catarrh, and deafness of both ears and that he had knowledge of him having received treatment for same from the surgeon of the company.

Dr. A. V. Fankboner stated as follows relative to his treatment of soldier in the year 1908, soon after soldier's discharge from the service:

In the year 1908, he was located in the town of Summitville, Madison County, Ind., and was engaged, at that time, in the practice of medicine in said town; that about the last of the year 1908, one Clyde V. Markle came to him for treatment; that he made thorough examination of said patient, and found him to be suffering with rheumatism, catarrh, and deafness of both ears. And deponent avers that he followed such examination within about six or eight weeks of treatment for rheumatism; that such treatment effected some relief to said patient, but at the time of the last treatment the said patient showed marked symptoms and effects of catarrh and also of deafness in both ears, that it greatly inconvenienced him in conversation, and in the transaction of business affairs, and further this affiant saith not.

With his papers for pension by special act he filed the affidavit of Dr. L. F. Mobley, who stated that he was the claimant's family physician prior to and since his enlistment in the Army and that he (claimant) was sound prior to enlistment, and that he treated him in the winter of 1908 and 1909, for arthritis of knees and feet and since discharge from the Army claimant has been a sufferer with disease of ears resulting in partial deafness of both ears. Witnesses also state that claimant was sound prior to enlistment and that he has not been in good health since.

Claimant is 40 years of age, owns no property, and his annual income is about $500. He is married.

It is not believed that claimant is greatly disabled by reason of rheumatism. However, in view of the evidence above cited, it is believed that his deafness may be due to his military service and it is recommended that he be granted a pension of $12 per month.

H. R. 12762. Frank Woods, Wilkesville, Ohio, served during the war with Spain in Company B, First Regiment Ohio Volunteer Infantry, from August 1, 1898, to October 25, 1898, when mustered out with his company at Cincinnati, Ohio (86 days of service, of which time he was on furlough for 30 days). (Inv. Ctf. 1127480.)

The claimant is now pensioned under the general law at the rate of $12 per month for malarial poisoning and resulting disease of rectum, and rheumatism due to his military service. Claims for increase have been rejected, the last one April 2, 1926.
He has no title to pension under the Spanish War pension act of May 1, 1926, as he did not render 90 days of military service and was not discharged on account of disability due to service, although he is pensioned on account of disabilities shown to be of service origin.

The official examining board of surgeons stated as follows in their report of April 1, 1925, relative to the soldier's physical condition:

Patient's chief disability is caused by his blindness. This is practically total and he is unable to walk about except by the aid of another person. The oral sepsis should be cared for as it is a definite menace to his health. Patient gives a history of several attacks of jaundice and this with the tenderness over the gall bladder and palpitation of the liver makes a diagnosis of chronic gall bladder disease possible. The heart is rather weak and sluggish, and his symptoms suggest some myocardial weakness.

Claimant is 52 years of age and married.

It is shown by the evidence that he and his wife own their home, valued at $1,200, and that he has no income other than his pension of $12 per month.

A physician states that claimant is totally disabled by reason of rheumatism, stomach and liver trouble, and nearly total blindness. The claimant's chief disability is his blindness due to a blast while excavating in the year 1903, and not to his military service.

In view of the fact that claimant has some disabilities due to his military service, is practically totally blind, and lacks but 3 days of 90 days' service during the war with Spain, it is recommended that his pension be increased to $40 per month.

H. R. 12823. Harry W. Feldman, 643 Fargo Street, Buffalo, N. Y.

Your committee during the Sixty-eighth Congress and Sixty-ninth (first session) recommended that claimant be granted an increase of pension from $12 to $20 per month upon the following report:

H. R. 1721, Harry W. Feldman, 2827 Main Street, Buffalo, N. Y., served in the United States Navy, Regular Establishment, from September 13, 1910, to July 11, 1911, when honorably discharged. (Inv. Ctf. 1178834.)

The records of the Navy Department show that in May, 1911, about eight months after his enlistment, the sailor's eyes began to trouble him a great deal, and from that time on he was treated for asthenopia (weakness of sight), which was held to have existed prior to enlistment, according to the record. He was finally discharged on account of said eye disease, "blurred vision," and it was held to have existed prior to enlistment.

Sailor filed a claim for pension, based upon impaired vision, result of injury to eyes while in service. The claim was rejected on the ground that it was not due to line of duty but existed prior to enlistment according to the records of the Navy Department.

A special act was passed March 3, 1917, allowing a pension of $12 per month, thereby accepting disease of eyes as due to service. No eye trouble was found at enlistment, and he was not treated for same until eight months afterwards.

Sailor's vision at the time he was granted $12 per month pension by special act was shown to be 20/40.

With this bill he files his sworn statement to the effect that he is now wholly incapacitated for performing manual labor by reason of injury of both eyes, loss of appetite, sleeplessness, pains in the back and lungs and nervousness due to his military service; that he owns no property and has no income aside from his pension and daily labor, which in all amounts to $300 per year.

Evidence of witnesses verify his statement as to no property and income. The witnesses also state that claimant is 50 per cent disabled and has a wife and two children to support.
The affidavit of Dr. George J. Eckel, of February 9, 1924, is as follows:

"That I was not acquainted with the claimant prior to his enlistment in the United States Navy; that the claimant visited me on or about the 19th day of January of the present year for the purpose of having made a complete physical examination to determine what disease he was suffering from and to what extent and in what manner they affected his ability to do manual work; that such examination was made on that date and carried on at various times until it was completed upon the 31st day of January, 1924; that a very thorough history was taken, both as regards his physical condition before enlistment and the events that have transpired since his discharge; that a consideration of his present condition and symptoms, together with a complete history and the findings of a most complete physical examination, leads one to believe that the original disability was probably a disturbance of his thyroid gland, toxic in nature, about which very little was known in those days, and the facts concerning which would never have been estimated by a board of survey of naval surgeons, working without proper equipment and under the circumstances that such boards work, as is well known to the affiant, who conducted many such surveys while in the naval service; that the aforesaid thyroid condition was undoubtedly responsible for his excessive nervousness, greater or lesser disturbances of many of his bodily functions, sleeplessness, digestive disturbances, loss of weight, sweating, and considerable muscular weakness; that the resultant digestive disturbances caused an ulcer of the stomach, from which examination shows the claimant is now suffering in a chronic form; that the acuteness of the thyroid condition had passed, but residual nervous phenomena still remain, which greatly impair the claimant’s ability to do manual labor; that a consideration of the factors involved lead the affiant to believe the capacity for manual labor has been reduced at least 50 per cent, and that much treatment extending over a protracted period will undoubtedly be necessary to bring claimant to such a state of physical well-being as to reduce his disability to 25 per cent, which is probably the minimum in his case for all time to come.

"He further declares that he has been a practitioner of medicine for 16 years."

It appears that the claimant’s disabilities have increased since he was granted a small pension by a special act, and in view of his poor physical and financial condition an increase of pension to $20 per month is recommended.

The item was stricken out by the Senate upon the following ground:

"Claimant was in the Navy only 10 months. His present rate covers any probable service disability, and the rate was fixed by special act of Congress."

The Member who introduced the bill states that this is a very worthy case, and that he is deeply interested in it.

It is shown that the claimant has no income other than his pension, and is now unable to work on account of eye trouble and moderately advanced tuberculosis.

Your committee recommends that claimant should be given some further relief, and an increase of pension to the rate of $20 per month is recommended.

H. R. 12840. Philip Eichhorn, 400 Porter Street, Detroit, Mich., served during time of peace in the United States Marine Corps, continuously from April 21, 1904, to May 15, 1913. Three honorable enlistments. He was finally discharged upon certificate of medical survey on account of "tuberculosis, acute broncho-pneumonic," in line of duty. (Inv. Orig. 1409846.)

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

Marine Barracks, Annapolis; Admitted September 1, 1904. Cordis valvularum morbus. Origin not duty; existed prior to enlistment. Complains of attacks of dyspnoea, vertigo, and pain in cardiac region. Yesterday, while
walking upstairs, he became suddenly dizzy and fell several steps, bruising the right thigh severely. A well-marked aortic murmur diastolic in time is manifest.

September 8, 1904. Has a history, according to his own statement, of having only three movements of the bowels in nine weeks; complains of pain in right side of chest.

September 12, 1904. Careful watching does not confirm any of his statements; it seems possible that he is either malingering or greatly exaggerating his symptoms.

Discharged September 12, 1904, to duty.

Camp Elliott, Panama: Admitted January 10, 1905. Febris remittens.


Note.—November 23, 1905, excused from duty for three days with cephalalgia.


Naval Hospital, Portsmouth: Admitted same day, same disease and origin. January 31, 1906, had a severe chill. Discharged March 10, 1906, to duty. Admitted March 12, 1906, same disease and origin. Discharged March 16, 1906, to duty.


Naval Hospital, New York: Admitted same day, same disease and origin. Complains of cough and expectoration; there is dulness at both apices and right base posteriorly. Discharged April 26, 1913, to—Admitted with tuberculosis, acute broncho-pneumonia. Origin duty, incident to 9 years' service. Discharged May 7, 1913, by medical survey (copy of report sent to Pension Bureau June 1, 1913) to—

Marine Barracks, New York: Admitted same day, same disease and origin. Discharged May 15, 1913, for discharge from service.

Chest measurements upon enlistments: April 21, 1904, mean 33 1/2 inches, expansion 3 inches. April 21, 1908, mean 32 1/2 inches, expansion 4 inches.

There were no physical defects noted at enlistment.

Claim filed May 17, 1913, was rejected on the ground of no ratable degree of disability from alleged pulmonary tuberculosis, bronchitis, and malarial poisoning. His claim filed April 7, 1916, was rejected on the ground of no record in the Navy Department, or other satisfactory evidence showing origin in the service of affection of feet including hammer toes and disease of heart existed prior to enlistment as shown by the records. That part based on bronchitis, disease of lungs, laryngitis, malarial poisoning, affection of joints, disease of eyes, throat, and ears, and impaired hearing was rejected on the ground that a ratable degree of disability from said causes had not been shown to exist since date of filing the claim.

Official medical examination of September 3, 1913, disclosed slight bronchitis and lung trouble, no malaria, but painful arches, and partially broken down feet for which a rating of 6/18 was recommended.

Official medical examination of April 25, 1917, gave a rating of 10/18 for falling arches, hammer toes, and disease of joints. No tuberculosis or bronchitis was found upon this examination.

Your applicant is 39 years of age and has a wife and five children dependent upon him. Witnesses state that claimant is unable to work steady on account of feet and throat troubles.

It is shown by the evidence that he owns no property and has no income other than a salary of $1,400, as an inspector in the Immi-
PENSIONS AND INCREASE OF PENSIONS

A claimant's affidavit of December 10, 1926, is as follows:

To whom it may concern:

Before I entered the United States Marine Corps, April 20, 1904, I was in the best of health. After I was in for nine years and five months, out of this time, five years was spent in foreign service, Cuba and Isthmus Canal Zone campaign service, and while in the service I contracted malaria fever and bronchitis, which has left me in poor health since I left the service. Constantly under medical aid and home treatments since I left the service. My medical aid certificates are filed with the Commissioner of Pensions, Washington, D. C.

This statement I am making now is the truth and nothing but the truth.

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

To whom it may concern:

I hereby certify that I have examined Philip Eichhorn and find the following complaint:

1. Headache.
2. Pains in chest.
5. Impaired motion both feet.

Eyes: 20/30 both eyes.

Nose and throat negative.

Heart: Negative.

Lungs: Chronic bronchitis.

Abdomen: Negative.

Extremities: Tenderness over both sacroiliac joints, varicose veins lower third, both legs, externally; feet, hammer toes of both feet involving all toes; pain in all joints of extremities.

Diagnosis:

1. Chronic bronchitis.
2. Sacroiliac subluxation.
3. Arthritis, chronic.
5. Varicose veins.

This marine had a long service, was in Cuba and was discharged on account of tuberculosis and bronchitis. It is quite clear that he has had bronchitis to some extent ever since his discharge and that the condition of his feet to a great extent is due to marches while in the service.

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

H. R. 12938. Mathew Peterschell, United States Soldiers' Home, Washington, D. C., served in the Regular Establishment in Company I, Second Regiment United States Infantry, from October 20, 1871, to October 20, 1876, when honorably discharged. He also served in Battery L, Fifth Regiment United States Artillery, from July 19, 1881, to July 18, 1891, and in Battery H, First Regiment United States Artillery, from July 20, 1891, to October 19, 1894. (I. O. 1448062.)

The records of the War Department show him treated at various times in the service for intermittent fever, tertian, pleurodynia, lacerated wound of right thumb, catarrh, tonsilitis, strain of right side, and muscular rheumatism, all in the line of duty. No Indian war service.

Claim for pension filed in March, 1921, was rejected because of no ratable disability from any effects of pneumonia, strain of right side, and injury of right hand.
The claim, so far as based on pneumonia or disease of lungs, was
reopened but finally rejected because he was not able to furnish
competent evidence to connect pneumonia or disease of lungs with
his service; and another claim filed in April, 1924, was rejected in
September, 1924, because he was manifestly unable to furnish satis-
factory evidence to show existence since discharge of the alleged
pleurodynia, intermittent fever, catarrh, tonsilitis, and rheumatism,
or existing disability from wound of right thumb and strain of right
side.

Some additional testimony was filed, but reopening was denied,
and this action was affirmed November 16, 1925, on appeal by the
honorable Secretary of the Interior.

The claimant is 77 years of age and has no property and no income
except a monthly allowance of $2 they give him from the soldiers' home. His wife is dead, and he has no children, and medical evi-
dence indicates that he is disabled to some extent from arthritis,
liver trouble, and other causes.

There is some evidence on file in the pension case of a very vague
and indefinite character to the effect that he has been suffering from
malaria, catarrh, rheumatism, and affection of his right hand since
discharge from the service, but it is indefinite and does not amount
to proof.

However, in view of this soldier's long service, aggregating over
18 years, and the records showing treatment for numerous disabili-
ties incurred in the service in line of duty, the committee recom-
mends a pension at the rate of $8 per month.

H. R. 13005. Vonny A. McClaren, Grey Eagle, Minn., served dur-
ing no war in Battery C, Ninth Regiment United States Field
Artillery, from June 5, to November 19, 1924, when discharged on
surgeon's certificate of disability.

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

He was admitted to the station hospital, Fort Snelling, September 29, 1924. The medical card of that date shows: Amputation, traumatic, index, middle and ring fingers through proximal phalangeal joint, and little finger through distal phalangeal joint, right hand; amputation, traumatic, index and middle fingers through proximal phalangeal joint and ring finger through distal phalangeal joint, left hand; wound, lacerated, moderately severe, 2 inches in length, occipital region, scalp; wound, lacerated, moderately severe, one inch in length, supraorbital region, left; abrasion, moderately severe, lumbar region, right. Injuries accidentally incurred when soldier fell from moving freight train when attempting to steal ride on same, hand slipping from hold, throwing soldier underneath moving cars, at Galena Junction, Ill., while soldier was absent without leave. He was treated immediately after accident by Doctor Benz, railroad physician at Galena Junction, who performed amputation of fingers. At time of admission all wounds were infected. Amputation stumps of all fingers indicated sutured with silkworm gut about three days after injury was incurred. Lacerated wounds of supra-orbital region, left and occipital region, scalp, sutured with horsehair about three days after injury. Not in line of duty.

No claim was filed in the Pension Bureau, as the soldier has no
title to pension under existing pension laws, his loss of fingers being
due to his own misconduct while attempting to steal a ride on a
freight train and while absent from his command without leave.

Claimant is 21 years of age and is shown to be the soldier of
record. He is not married.
It is shown by the evidence filed in support of the bill that the claimant owns no property and has no income.

A physician states that the claimant is 75 per cent incapacitated to perform manual labor by reason of the loss of four fingers of the right hand at middle joints and two fore fingers at middle joints, left hand, and last phalanx of third finger, left hand.

A pension of $12 per month is recommended.

H. R. 13007. Mary E. Kendall, 133 North Street, Gardiner, Me., is the widow of George E. Kendall, who served at least 30 days in the campaign against the Cheyennes, Arapahos, Kiowas, and Comanches of 1867 and 1869, in Kansas and Colorado. He enlisted in Troop M, Third Regiment United States Cavalry, January 15, 1868, and was honorably discharged February 8, 1869. (I. W. W. Ctf. 11107.)

The soldier's claim under the general law was rejected. His claim under the Indian war pension act of March 4, 1917, was rejected on the ground that he did not serve in any of the Indian wars or campaigns named in that act. The widow's claim under the act of March 4, 1917, was also rejected upon the same ground.

This committee in 1924 procured a further report from The Adjutant General, War Department, showing that the soldier did render 30 days' service in an Indian campaign named in the act of March 4, 1917.

The soldier's and claimant's claims were then reopened by the Bureau of Pensions, and claimant was granted a pension of $12 per month in December, 1924. Including back pension due soldier to date of his death and her pension from said time she was paid $1,465, at one time.

A bill has been introduced proposing to increase her pension to $30 per month.

Claimant is 79 years of age. She was married to the soldier June 27, 1892, and he died September 28, 1920.

It is shown by the evidence filed with the bill that claimant owns no property and has no income other than her pension of $12 per month. She has the use of the small place where she lives during her life by paying taxes, insurance, etc., and has $700 left of the back pension granted her.

A physician states that claimant is old and feeble, blind in one eye, and should have an attendant, but owing to her poor financial condition she is obliged to be alone. She has no relatives that can assist her.

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

H. R. 13023. Andrew J. Gallion, Medora, Ind., is the dependent father of George C. Gallion, who served during the Philippine insurrection, in Company E, Seventeenth Regiment United States Infantry, from February 23, 1902, to August 27, 1903, when he was drowned in the service in line of duty. (Father's Ctf. 755044.)

The soldier was never married and the claimant was granted a pension of $12 per month by the Bureau of Pensions, because the soldier's death was due to his military service and in the line of duty.

Claimant was told by the Pension Bureau that he had no title to the increase of pension to $20 per month as provided by the Spanish
War pension act of September 1, 1922, because the soldier did not serve in the Philippines during the war with Spain, Chinese Boxer rebellion, or Philippine insurrection. The soldier was in the service over 90 days during the Philippine insurrection, but did not serve in said insurrection as provided by the act to give dependent parents title to the increase. However, after the Philippine insurrection ended, the soldier was stationed in the Philippine Islands and was drowned while in the service.

Claimant is 75 years of age. He owns no property and has no income. Witnesses also state that he has no child or other relative able to contribute to his support.

A physician states that he has attended claimant frequently and he is wholly incapacitated for the performance of manual labor by reason of arteriosclerosis and enlarged prostate.

In view of the claimant’s age, his poor physical and financial condition, and that the soldier served during the Philippine insurrection, if not in it, and that he did have service in the Philippines afterwards, and his death was in the line of duty, your committee recommends that the claimant’s pension be increased to the rate of $20 per month.

H. R. 13047. Annie Heaton, 8122 Elberon Avenue, Philadelphia, Pa., is the widow of Robert Heaton, who served during the Sioux Indian Campaign of 1890 and 1891 in South Dakota. He served in Troop A, Eighth Regiment United States Cavalry, from February 27, 1888, to June 9, 1889, and from January 27, 1890, to March 29, 1892, when honorably discharged. (I. W. W. Ctf. 9409.)

The soldier was never pensioned for disabilities due to his military service.

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 1, 1893, and he died November 16, 1917.

Your applicant is 53 years of age and owns no property. She has no income other than her pension and $16 per week board paid by two children, and has two other children under 16 years of age to support.

A physician states that claimant is suffering with pernicious anemia with numbness of hands and indigestion which prevent her from doing her usual duties.

Claimant is not very old. However, in view of her poor physical condition, that she is only receiving a pension of $12 per month, and that she has two children under 16 years of age to support, it is recommended that her pension be increased to $20 per month.


The soldier was pensioned under the act of January 29, 1887, until his death November 14, 1901, and then the claimant’s mother was pensioned under the same act as his widow until her death July 29, 1909.
The evidence filed with the bill shows that the claimant is their daughter and that ever since she was about a year old she has been mentally helpless. She is about 60 years of age, and has no property or income, and is dependent upon charity for her support. She is now a public patient in the State Hospital for the Insane at Anna, Ill., and is maintained solely by the State.

The committee recommends that she be granted a pension of $12 per month, the same to be paid to a duly appointed guardian.

H. R. 13182. Eliza A. Willison, Lincoln City, Ind., is the widow of Thomas H. Willison, who served during time of peace in Troop K, Eighth Regiment United States Cavalry, from December 15, 1891, to May 17, 1892, when honorably discharged by reason of epilepsy. (Wid. Ctf. 940856.)

The soldier was pensioned at the rate of $30 per month on account of epilepsy contracted during his military service. He died March 12, 1923, from epilepsy and claimant, who was married to him August 27, 1894, was granted a pension under the general law of $12 per month, the maximum rate.

A bill has been introduced proposing to increase her pension to $20 per month.

Claimant is 55 years of age, and it is shown by the evidence filed with the papers that she owns 80 acres of land valued at $2,000; that after paying taxes her annual income from the land is about $90. Her annual income from all sources, including pension, is about $230. She has no children under 16 years of age.

A physician states that the claimant is suffering greatly with varicose veins of both feet to such an extent that they give her great pain on standing or walking which incapacitates her for any continuous exertion and that at times she has eczema of the feet and ankles which causes almost entire disability for a time.

In view of the fact that claimant is past middle life, unable to do but very little work, has but little income, and that the soldier's death was due to his military service in line of duty, your committee recommends that her pension be increased to $20 per month.

H. R. 13237. George W. Smith, 147 South Center Street, Merchantsville, N. J., served during no war, in Company F, Twentieth Regiment United States Infantry, from December 14, 1880, to December 13, 1885, when honorably discharged. (Inv. Orig. 1513684.)

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

February 23 to 28, 1881, catarrh; June 13 to 15, 1881, acute dysentery; June 8 to 11, 1882, and November 20 to 21, 1882, chronic rheumatism; July 16 to 18, 1883, colic; April 8 to 10, 1885, toothache, in line of duty; November 18 to 29, 1885, malarial toxemia, in line of duty. No additional record of disability found.

No claim for pension was filed until February 4, 1925 (40 years after discharge), and this claim based upon rheumatism was on June 21, 1926, rejected upon the ground of no evidence showing existence of said disability at date of discharge and continuance for many years thereafter and claimant's declared inability to furnish such evidence.

H. Rept. 1782, 69-2——6
The soldier stated he contracted rheumatism from exposure while in the service and has had the same ever since but that he is unable to furnish medical evidence showing treatment for rheumatism immediately after his discharge because Dr. D. H. Bartine who treated him at said time has been dead for years.

He filed an affidavit of Dr. Charles H. Jennings, showing that he treated claimant for chronic rheumatism since the year 1901 to June, 1924, giving dates of different treatments. Dr. John W. Marcy also stated that he has also treated claimant from time to time for the past 25 years for rheumatism of the right knee. There was also filed affidavits of witnesses who have known the claimant from the time he was discharged from the service to the effect that claimant has suffered with rheumatism ever since his discharge.

The claimant is 67 years of age, and it is shown by the evidence filed with the bill that he owns no property and has no income. He is married.

A physician states that the claimant has lost his ability to work by reason of rheumatism of right hand, knee, and hips. Witnesses also state that claimant is unable to work.

Official medical examination of February 10, 1926, is as follows:

Looks fully age given. Mentality not too strong. Walks somewhat stooped at hips. Movements all seem somewhat stiff and painful.

Heart: Slight mitral systolic murmur; seems not transmitted; apex beat 2 centimeters to left of nipple line in sixth interspace. Tendency to cyanosis of extremities. No edema. Dyspnæa on exertion.

Lungs: Negative.

Abdomen: Negative.

Sacroiliac tenderness, also tenderness over both sciatic nerves. States painful along these nerves on stooping and bending. Complains of rheumatism, right thigh; seems muscular. Function knee O.K. Examination negative, except stoops and bends rather stiffly.

Teeth: Upper all out. Lower incisors, bicuspid, and first molars (eight in all) in bad condition.

Proximal interphalangeal joint of right little finger ankylosed at 90; fibrous ankylosis from contracture of tendon.

Urine: Clear light amber; neutral, 1012; no albumin; no sugar.

Romberg: Negative; reflexes normal.

Denies venereal diseases, and no evidence of same.

Board finds claimant disabled equivalent to the loss of hand or foot, and recommends pension of $24 per month.

In view of the record of treatment in service for chronic rheumatism and the evidence above cited it is recommended that claimant be given the benefit of some doubt and granted a small pension of $12 per month.

H. R. 13280. Addie May James, 51 Warner Street, Newport, R. I., is the widow of Franklin Pierce James, who served prior to the World War, during the World War, and subsequent thereto in the United States Navy. He served from September 13, 1910, to September 12, 1914; from October 10, 1914, to October 9, 1918; and from September 13, 1923, to September 25, 1925, when he lost his life on the U. S. S. S-51, when that vessel sank in collision with the steamship Rome. (Wid. Ctf. 969798.)

Claimant is in receipt of a pension of $12 per month with $2 per month additional for a minor child of the sailor. This pension was allowed under existing pension laws and is the maximum rate.
Your applicant is 38 years of age, and it is shown by the evidence filed with the bill that she owns no property other than a Ford automobile and household furnishings left by her husband. She has no income for the support of herself and small child other than her pension and that she is able to earn by taking roomers. She states that she is unable to go out and work on account of her child, born January 2, 1920, and that this child has a bad heart.

Twelve and two dollars per month is too little to give a woman with a small child whose husband lost his life in service.

An increase of pension to the rate of $20 per month with $2 per month additional on account of the minor child of the sailor is recommended.

H. R. 13292. Larus Strawther, rural route No. 6, Versailles, Ky., is the widow of Rosco Strawther, who served during time of peace in the Seventy-fourth Company, United States Coast Artillery Corps, from October 17, 1904, to October 16, 1907; and in the Fifth Company, United States Coast Artillery Corps, from June 24, 1908, to February 22, 1910, when discharged on account of chronic pulmonary tuberculosis due to his military service. (Wid. Ctf. 970795.)

The soldier was pensioned under the general law for tuberculosis due to his military service until he died October 11, 1925.

The claimant, to whom he was married November 22, 1911, was on March 6, 1926, granted a pension of $12 per month, with $2 per month additional for each of the five children of the soldier under 16 years of age, the soldier's death having been due to his military service.

Claimant is 35 years of age.

It is shown by the evidence that she owns no property and has no income other than her small pension to support herself and five children born in the years 1912, 1914, 1921, 1923, and 1925, respectively. She has no child or relative contributing to her support.

A physician states that the claimant is wholly unable to leave home and attempt to earn a support for herself and children and in his opinion always will be; that she has pains in her side which barely permit her to do her own washing and cooking.

An increase of pension to the rate of $20 per month, with $2 per month additional for each of the soldier's children under 16 years of age, in lieu of the pension she is now receiving.

H. R. 13333. Paulinus G. Huhn, 1015 St. Germain Street, St. Cloud, Minn., served during the war with Spain in Company M, Thirteenth Regiment Minnesota Infantry, from April 29, 1898, to August 19, 1899, when honorably discharged. (Inv. Ctf. 1003140.)

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

His pension was increased under the general law November 3, 1920, from $24 to $30 per month for gunshot wound of lungs, and this action was based upon the following official medical examination of November 3, 1920.

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

Lungs: Expansion, 20, 36½.
Bilateral basal pleurisy by rales and lessened.
X ray shows bullet about 45 number in chest to left of sternum. Heart negative.
No evidence of vicious habits.
This man is unable to do labor and at present is on the street selling some automobile polish in pint bottles.
Undue exercise promotes considerable cough, and from his statement effort to do hard straining work brings on hemorrhages. This man is extremely nervous and irritable; reflexes slightly increased.
This applicant is so disabled (totally) as to incapacitate him from doing manual labor from his lung condition as to entitle him to total $30.

His pension was increased to $50 per month by the Spanish War pension act of May 1, 1926. Last session a bill was passed (H. R. 1051; omnibus bill 7906) giving him an increase of pension to $50 per month. However, the new Spanish War pension act of May 1, 1926, gave him title to this $50 per month without a special act of Congress.

Claimant is 50 years of age, and it is shown by the evidence filed with this bill that he owns an undivided one-half interest in the home that he lives in valued at $7,000, upon which there is a mortgage of $3,500. He has no income other than his pension and about $200 or less annually that he may earn. He canvasses articles such as polish.

He is married and has three children, aged 7, 5, and 3 years.

A physician states that claimant is permanently and totally disabled for earning a living on account of a bullet in his left chest; that the bullet is a large one and is pointed upward toward the clavicle. He also states that there is an extensive amount of fibrous change of the lung about the foreign body and any undue exercise or activity causes hemorrhages.

Spanish War soldiers who are wholly disabled from disabilities not due to service now receive $50 per month. This Spanish War soldier is wholly disabled from a wound received in battle and for this reason it is believed that his pension should be increased to $60 per month, and it is so recommended.

H. R. 13339. Rollin P. Ham, R. R. No. 3, Verndale, Minn. (Indian war survivor Ctf. 12299.) Claimant was granted a pension of $20 per month by a special act of Congress approved December 8, 1924, said action being based upon the following report:

H. R. 3885. Rollin P. Ham, Verndale, Minn., served in the Regular Establishment and during certain Indian wars in Company L, Sixth Regiment United States Cavalry, from February 12, 1877, to November 12, 1880, when honorably discharged. (I. O. 1475041.)
His only claim for pension was dismissed upon the ground that he did not serve during the Civil War, as required by the law under which he made application. No claim was ever filed under the act of March 4, 1917, as he did not serve in any of the Indian wars or campaigns named in that act or prior acts.

The claimant's statement relative to his service against Indians is as follows:

"That he is the man who makes application for pension in the attached affidavits and petitions, and that he is the man described in the attached discharge certificate.

"That he saw active service against hostile Indians during his service in the forces of the United States Army. That he was stationed at Fort Bowie, Ariz., and that in Arizona he saw active service against the Cherokee and Apache Indians.

"That he also saw service against a branch of the Apache Indians called 'Muskario,' in New Mexico, during the time of his said enlistment.
"That practically the entire term of his enlistment in the service was spent in scout work against hostile Indians, and that his term of enlistment consisted in active service and fighting along the lines of such duties."

"That this affidavit is made to accompany application for pension herewith submitted."

"DECEMBER 7, 1923."

The War Department gives his service against Indians as follows:

"From April 16, 1877, until the date of his discharge this soldier is shown to have served at or near Camp Bowie, later known as Fort Bowie, Ariz., except from May 9 to 31, 1877, when on duty with a detachment in the pursuit of renegade Indians; from December 1, 1878, until January or February, 1879, when on detached service at San Simon Station, Ariz., and he is shown to have been with his troop in the field from February 11 to May 13, 1880."

"Nothing has been found of record to show that this soldier served in any of the campaigns named in the pension act of March 4, 1917, but it appears that he served at least 30 days in connection with other active Indian hostilities."

Identity has been established. The evidence filed with this bill shows that claimant is 72 years of age, owns property worth $2,100 upon which there is an encumbrance of $1,050, and he has no income.

A physician states that the claimant is three-fourths incapacitated for earning his support by manual labor.

It is believed that the claimant should be pensioned as an Indian war survivor at the rate of $20 per month, and it is so recommended.

A bill has been introduced proposing to increase his pension to $30 per month.

With the bill there has been filed evidence showing that the claimant is now 75 years of age.

It is also shown by the evidence that his property, worth $2,000, upon which there is a mortgage of $1,700, is about to be sold to satisfy the mortgage.

A physician (the same one that made an affidavit in the former claim for special act) states that since making his first statement the claimant has become wholly incapacitated for earning his support by reason of high blood pressure (210), heart trouble, hernia, age, and defective hearing.

One Andrew Jenkins states that since making a statement for the soldier, December 3, 1923, the soldier has grown steadily weaker, so that at the present time he is unable to do any manual labor; that he has disposed of his horses and cows and has no property except a few articles of household furniture and an equity in a farm of 40 acres which does not appear to be of any value.

Congress has been increasing by special act the pensions of old destitute Indian war soldiers to $30 per month, and although claimant did not serve in any of the Indian wars named in the law, he rendered as much, if not more, active service against Indians as some of those who did, and the fact that it required a special act to give him a pension should not bar him from being granted an increase in his old age.

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

H. R. 13401. Thomas A. Goodman, 303 East College Street, Louisville, Ky., served during the Modoc Indian War in Battery B, Fourth Regiment United States Artillery, from January 31, 1872, to October 14, 1875, when he was discharged on account of heart trouble contracted in the line of duty. He also rendered prior service in
Company D, Eleventh United States Infantry, and Company I, Seventeenth United States Infantry, from June 21, 1866, to June 21, 1869, and from September 14, 1869, to November 25, 1871. Was honorably discharged from all services. (Inv. Ctf. 217525.)

The claimant was pensioned under the general law at the rate of $17 per month on account of disease of lungs and heart due to his military service, when he was granted a pension of $20 per month under the Indian war pension act of March 4, 1917.

On August 2, 1926, his claim for renewal and increase under the general law was rejected because his condition from disease of heart and lungs did not warrant a higher rate, his physical condition being largely due to old age.

Claimant is 77 years of age.

It is shown by the evidence filed with the bill that he owns no property of any kind and, other than his pension of $20 per month, he has no income, except $21.24 Louisville & Nashville Railroad service pension. He is married and states that he has eight in the family dependent upon him for support (an invalid daughter and grandchildren going to school) and, after paying rent, he has but $1.79, and needs more nourishing food.

Witnesses state that claimant is confined to his bed with tuberculosis and old age.

The official examining surgeon who examined him July 14, 1926, stated that claimant requires the attention of another person; that he has tuberculosis and nearly blind with cataracts.

In view of the soldier's advanced age, poor physical condition, his Indian war service and that he has disabilities due to his military service, your committee recommends that his pension be increased to the rate of $30 per month.

H. R. 13425. John M. Hess, 3711 Haverford Avenue, Philadelphia, Pa., served in Company E, Fourteenth Regiment United States Infantry, from November 10, 1866, to October 15, 1869, when honorably discharged. He also alleges service in Company A, Seventeenth United States Infantry, under the name of James H. Stanley, and the records show such service from July 22, 1870 to July 22, 1875. (I. W. S. Orig. 11815; Inv. Orig. 105925.)

The records of the War Department show treatment in service for gonorrhea and syphilis and inflammation of testicle (nongonorrheal), as well as for a fever.

A claim under the general law for an alleged injury of left testicle was rejected in 1894, because of no disability independent of the effects of venereal disease of record.

A claim under the Indian war pension act of March 4, 1917, was rejected in May, 1918, because he did not serve in any Indian war or campaign named in the act.

However, The Adjutant General, United States Army, stated in a report dated May 3, 1918, that the soldier served in the campaign against Apache Indians in Arizona in 1867 to 1869, for over 30 days.

In view of this he should be regarded as an Indian war soldier. He is 77 years of age and states he has neither property nor income, and evidence shows that he is virtually incapacitated for work.

A physician states he is three-fourths disabled.

A pension at the rate of $20 per month is recommended.
PENSIONS AND INCREASE OF PENSIONS

H. R. 13510. Mary J. Darling, 318 Cranston Street, Providence, R. I. (Wid. Ctf. 956232.)

Claimant, by a special act of Congress approved December 8, 1924, was granted a pension of $12 per month; said action being based upon the following report:

H. R. 7114. Mary J. Darling, 55 Wendell Street, Providence, R. I., is the widow of Traverse R. Darling, who served during the war with Spain in Company I, First Regiment Rhode Island Infantry, from April 30, 1898, to March 30, 1899, when honorably discharged. (Wid. Orig. 1198439.)

The soldier was pensioned at $10 per month under the general law for hemmorhoids and resulting disease of rectum, and the pension was paid to December 4, 1915, and thereafter dropped for failure to claim his pension.

In the meantime, in 1910, the claimant, soldier's wife, to whom he was married December 13, 1890, was granted one-half of his pension under the act of March 3, 1899, he having deserted her about 1909.

A claim for widow's pension under the act of September 1, 1922, was filed December 23, 1922, and same was rejected March 7, 1923, on the ground of claimant's manifest inability to prove the fact of soldier's death and the circumstances of his disappearance were not such as to justify the conclusion that he was dead.

When soldier was last paid his pension in December, 1915, he was an inmate of the National Soldiers' Home, Virginia, and a report from the Board of Managers of the National Home, dated March 10, 1924, states that he was dropped from the rolls of the home in Virginia June 28, 1916, and it appears in another report that he was dropped for demanding his papers while absent without leave.

The facts are that soldier's wife was in receipt of one-half of his pension and he left the Soldiers' Home without leave in 1916, and has never been heard from since.

The Governor of the National Homes reports that he does not appear to have been a member of any of the branch homes, since 1916, and that they have no record of him after that time, and the adjutant of the New York State home, of which he was at one time a member shows that he was discharged therefrom March 12, 1915.

Soldier if living is about 65 years of age.

Claimant states she is 69 years of age and has no property and no income other than what she earns by making and selling candy, and that the State board of soldiers' relief gives her groceries to the amount of $8 per month temporarily; and witnesses corroborate her statement.

A physician testifies that since 1921 he has treated claimant for chronic endocarditis and that she is really unable to do much work except to care for herself. Evidence shows that claimant is soldier's lawful wife or widow.

Your committee recommends a pension of $12 per month, pension to cease and determine in the event it should at any time be found that soldier is living.

H. R. 13513. John Baker, Stronghurst, Ill., served in Troop M, Second Regiment United States Cavalry, from November 20, 1876, to October 1, 1881, when honorably discharged. (I. W. S. Ctf. 6826.)

Soldier is now pensioned at the rate of $20 per month under the Indian war pension act of March 4, 1917.
He is 78 years of age and owns a vacant town lot worth about $25, has no income but his pension, and medical and other evidence shows that he has been wholly disabled for labor for several years.

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

H. R. 13524. Charles A. Smith, alias Martin L. Fessler, 321 North Oak Street, McPherson, Kans., served in Troop M, Third Regiment United States Cavalry, from September 30, 1876, to September 29, 1881, when honorably discharged. (I. W. S. Ctf. 12333.)

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

He is 74 years of age and owns his home, worth about $800, and witness state his income is his pension of $240 per year.

Medical evidence shows that he has heart disease and other troubles, and is unable to perform manual labor at all.

The soldier's pension was granted in March, 1925, when he was paid about $1,900 arrears of pension.

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

H. R. 13531. Luella M. Myers, 1349 S. Topeka Avenue, Wichita, Kans., is the dependent mother of Ray H. Myers, who served during the war with Spain in Company C, Twenty-first Regiment Kansas Infantry, from June 15 to December 10, 1898, when honorably discharged. (Mother's Orig. 1163442.)

Claim under the general law was rejected October 24, 1921, because there was no evidence to connect soldier's death in June, 1909, with his military service in the war with Spain.

The records do not show any treatment in the service, and when soldier was discharged he stated he had no disability.

He died in 1909 from cystic degeneration of the right kidney, and there is no evidence to show the existence of the fatal disease prior to the year in which he died.

Claimant is 67 years of age, owns 80 acres of land in New Mexico, worth about $100; four lots in Oldenville, Okla., worth $50; and four lots in Wichita, Kans., worth $200; and she states her income is less than $25 per month. She lives in a rented home and rents rooms therein.

Medical and other evidence shows that she is in poor health, and a physician states that she has had amputation of breast for cancer, and that there was recurrence with a further operation, and that she is unable to support herself by any labor.

Soldier was never married. Claimant is a widow and shown to be the soldier's mother.

A pension of $20 per month is recommended.

H. R. 13563. Lloyd T. Stephenson, Fresno, Calif., served during the war with Spain in Company C, First Nevada Infantry, from June 6 to September 26, 1898, when honorably discharged (53 days of service). Subsequent to the Spanish War service the soldier served during the World War as a captain of Company B, One hundred and forty-fifth Machine Gun Battalion, from August 5, 1917, to July 30, 1919, when honorably discharged. He had foreign service from August 8, 1918, to July 17, 1919. (Inv. Orig. 1480555.)
The soldier's claim for pension under the Spanish War pension act of June 5, 1920, was rejected on the ground that he did not render 90 days' service as required by that act.

A report from the Veterans' Bureau shows that he is now receiving compensation at the rate of $10 per month, this award being based as permanent partial 10 per cent disability on account of bronchitis; and that his disabilities—chronic gastrointestinal disease, hemorrhoids, and cholecystitis—were not accepted by the Veterans' Bureau as being incident to or aggravated by his World War service.

The soldier claims that although he had but 83 days of service during the war with Spain, he as sergeant was held 10 days after discharge preparing the muster rolls and other work of the company incident to the demobilization of the same. The Adjutant General of the War Department states that he was honorably discharged by telegraphic orders from the War Department, which provided that in volunteer regiments ordered mustered out of the service but not yet furloughed, discharge without furlough when so desired would be granted. Therefore this soldier was discharged without being granted the customary 30 days' furlough, and if we counted the time he should have been allowed as furlough he would have rendered over 90 days' service during the war with Spain.

The claimant is 55 years of age and married.

It is shown by the evidence that he owns no real estate, has personal property of less value than $500, and that his annual income from all sources during the year 1926 was $1,445.67. He is a public accountant, and states that on account of sickness he has been unable to earn more than the above-cited amount, and he has borrowed $1,500 since he was taken sick and now owes the same.

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

That he is a practicing physician, and has been acquainted with the above-named soldier for about seven years, and that he did not know the soldier prior to enlistment; that during the above-mentioned period of seven years he has been the said L. T. Stephenson's family physician and neighbor, and at present lives immediately across the street from said Stephenson. I first treated Stephenson about 1920, and at that time he was suffering from stomach, gall bladder, and bronchitis (chronic), and he has been under my care more or less since. On my advice he applied for admission to Letterman General Hospital and was admitted May 1, 1925. He was operated on first about June 1, 1925, a cyst and teeth and necrossed bone. A subsequent operation was performed July 16 and the gall bladder removed. A subsequent operation was performed.

Witnesses also state that the soldier spent considerable time in the hospital in the year 1925, and for the past two years the soldier has been thoroughly incapacitated for manual labor.

In view of the fact that the soldier had nearly 90 days' of service during the war with Spain, and received no furlough, and his
present condition, it is believed that he should be granted a pension of $20 per month in lieu of the compensation that he is now receiving, and it is so recommended.

H. R. 13588. Jane Stewart, Crump, Tenn., is the widow of John Stewart, who served in Captain Baker's company, Pennsylvania Volunteers, from October 31, 1837, to December 31, 1837, when honorably discharged. (I. W. W. Cert. 647.) The claimant was married to the soldier September 27, 1848, and he died January 13, 1886.

She is now pensioned at $12 per month, under the Indian war pension act of July 27, 1892.

She is 94 years of age, has no property of any value, and no income except her pension. She is practically blind and very deaf. An increase of this aged widow's pension to $30 per month is recommended.

H. R. 13600. Marshall E. Hord, R. F. D. No. 6, Madison, Ind., served during the war with Spain. He enlisted in Company E, Seventh Regiment United States Infantry, July 11, 1895, and was honorably discharged in Cuba, July 13, 1898, by expiration of term of service, just 84 days after the war with Spain began. (Inv. Ctf. 1031405.)

He is now pensioned under the general law at the rate of $17 per month for rheumatism and resulting disease of heart, contracted in the service, increase having been allowed in August, 1926.

He is 52 years of age, and he and his wife own a farm worth about $2,500, which is mortgaged for $1,000. The income from the farm is about $100 per year.

Medical and other evidence is to the effect that he is about three-fourths disabled for the performance of manual labor.

The board that examined him July 14, 1926, estimated his disability as equivalent to the loss of a hand or foot.

As soldier had 84 days service in the war with Spain, was discharged while serving in Cuba, and most of his disability is shown due to service, it is recommended that his pension be increased to the rate of $30 per month.

H. R. 13604. Octavia Lefaivre, Portage des Sioux, Mo., is the widow of Henry Lefaivre, who served in Company B, Powell's battalion, Missouri Mounted Volunteers, during the war with Mexico, from July 1, 1847, to November 16, 1848, when honorably discharged. (M. W. W. Ctf. 8726.)

This widow had no title under the approved act of January 29, 1887, because Powell's battalion, Missouri Mounted Volunteers, was not in Mexico, on the coast or frontier thereof, or en route thereto. It appears, however, that it took the place of other troops that did go to Mexico, and in an act approved March 3, 1891, Congress provided pensions for the members of that organization and the surviving widows of such to the same limitations and regulations as were prescribed for pensioning survivors of the war with Mexico.

Under this act the widow was granted a pension of $8 per month commencing March 3, 1891, which was afterwards increased to $12 per month by law and further increased to the rate of $20 per month.
under the act of September 6, 1916, which is the rate she is now receiving.

She was married to the soldier June 7, 1859.

She is 89 years of age, has no property and no income but her pension, and one daughter contributes to her support, and it is shown by medical evidence and also a statement made by a special examiner of the Pension Bureau, who visited her about a year ago, that she is paralyzed and is unable to walk and has been during the past eight years.

She has no title to an increase under the act of July 3, 1926.

An increase of this aged widow's pension to the rate of $50 per month is therefore recommended.

H. R. 13616. Mattie B. Ross, 5716 Thirty-ninth Avenue SE., Portland, Oreg., is the widow of Edward C. Ross, who served during the Oregon and Washington Ty Indian wars, in Company D, First Oregon Mounted Volunteers, from October 15 to November 26, 1855, and from February 20 to May 5, 1856, when honorably discharged. (I. W. W. Ctf. 9057.)

The claimant is pensioned under the Indian war pension acts at the rate of $12 per month.

She was married to the soldier December 31, 1869, and lived with him until his death in the year 1919.

Your applicant is 78 years of age, and it is shown by the evidence filed with the bill that she owns the little house in which she lives assessed at $610 and valued at $1,500. She holds a contract of $1,200 on property she sold on which she receives 6 per cent interest.

The witnesses state that upon her home there is a mortgage of $850, and she has a bonded indebtedness of $133 for street work. She has no one to support her, and her income from all sources does not exceed $25 per month, and at times receives help from the county in which she lives.

A physician states that the claimant is totally blind in the left eye, right eye sufficient to read newspaper headlines only at 6 inches, and because of her defective vision and hearing and advanced age, she is accomplishing almost the miraculous in living alone.

It is recommended that the claimant’s pension be increased to the rate of $20 per month.

H. R. 13617. Mary E. Knight, 975 Michigan Avenue, Portland, Oreg., is the widow of Isaac N. Knight, who served during the Rogue River Indian war of 1853, in Captains Fowler’s and Root’s companies Oregon Volunteers, from August 24 to September 14, 1853, and from October 31, to November 18, 1855, when honorably discharged. (I. W. W. Ctf. 7349.)

The claimant is pensioned under the Indian war pension acts at the rate of $12 per month. She was married to the soldier November 20, 1890, and he died November 7, 1906.

Your applicant is an old woman about 75 years of age, and it is shown by the evidence that she owns no property and has no income other than her pension. She has no children or relatives to help support her.

A physician states that claimant is about 75 years of age and incapable of earning her own support by reason of poor eyesight, organic heart trouble, and nervousness.
An increase of pension to the rate of $20 per month is recommended.

H.R. 13670. Richard B. Reese, R. R. No. 7, Brookville, Ind., served during time of peace in the First Battery, United States Field Artillery, from August 23, 1902, to August 22, 1905, when honorably discharged by reason of expiration of term of service. (Inv. Orig. 1347011.)

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

- December 1 to 10, 1904, sprain, slight, right knee, accidentally incurred by kick from horse at drill at Presidio, San Francisco, Calif.; November 30, 1904, in line of duty.
- January 20 to February 4, 1905, gonorrhea, acute, not in line of duty; returned to duty.

No additional record of disability found.

The records of physical examination at enlistment show: “Slight varicocele left testicle.”

His claim for pension filed March 26, 1906 (7 months after discharge), was rejected on the ground of no record in the War Department of injury to his left eye and of his apparent inability to furnish satisfactory evidence showing origin of the same in the service. That part of the claim based upon injury to knees was rejected on the ground of no ratable degree of disability from the same since date of filing claim.

He stated that his eye was injured by target practice and in another statement claimed the same gave out while on march, the dust and wind being so bad that he told some of the boys that his eyes were giving out.

Subsequent claims were all rejected.

He filed numerous statements of comrades that he complained of trouble with his eye or eyes in the service and this evidence appears convincing.

One of the affidavits is as follows:

Richard B. Reese, while in the military service of the United States, in the line of duty, and without fault or improper conduct of his, on or about the 10th day of July, 1904, at the time of a march of the battery in the State of California, did suffer injury to his eyes due to dust, and had to undergo treatment while on the march and while on military maneuvers at Camp Atascadero, Calif.

Several times I have seen this man’s eyes, the dates of which I can not recall, but believe that his condition was caused from the dust. All the foregoing in the service of the United States.

Lay witnesses also state that claimant was sound prior to enlistment and ever since his discharge has had trouble with his knees and part blindness of left eye.

The medical referee of the Pension Bureau stated in the year 1907 that in all probability the venereal disease of record could be eliminated from disease of left eye.

Official medical examination of August 1, 1906 (one year after discharge) disclosed a normal right eye but only 2/20 vision of the left, and also slight stiffness of left knee with small scars on the same.

The claimant is 45 years of age and owns a small farm in Kentucky valued at $300. He and his witnesses state that he depends upon his children for his support.
A physician states as follows relative to claimant’s present physical condition:

I never knew or treated Richard B. Reese before or during his service in the Regular Army, but have reduced a dislocation of his right shoulder several times. This was injured while in the service, and when getting in certain positions above level of head will slip out of joint. Joint is weak from dislocations.

Left knee is chronically enlarged from accident in April, 1905, while in line of service.

Left eye injured June 17, 1904, while on field of service, I would say, with three-fourths total loss of vision.

I would rate this man at about one-half ability to work.

In view of the record of the War Department showing injury to right knee in service and the evidence above cited relative to condition of soldier’s left eye since discharge, it is recommended that he be granted a pension of $12 per month.

H. R. 13750. Ida C. Bousman, Germantown, Ohio, is the widow of Samuel A. Bousman, who served in Company D, Ninth Regiment United States Infantry, from April 24, 1871, to March 6, 1875, when honorably discharged. (Inv. Ctf. 138878, Wid. Orig. 1242021.)

The soldier was pensioned under the general law at the rate of $12 per month for disease of lungs which he contracted in the service. He died November 18, 1925, from disease of heart and the widow’s claim was rejected in May, 1926, because his heart trouble was not a result of the disease of lungs for which he was pensioned or shown to be otherwise due to his service.

Two affidavits of the attending physician have been filed in the pension case. In the first one the doctor stated that the direct cause of death was chronic endocarditis and myocarditis—contributory causes chronic hypertrophic arthritis. In the second affidavit the doctor stated that the soldier was afflicted with chronic hypertrophic arthritis of the upper lumbar and lower thoracic spine; that he also had apical tuberculosis, and that 10 days previous to his death myocarditis developed resulting in a hypostatic pneumonia which was the immediate cause of death.

A claim filed by the soldier under the Indian war pension act of March 4, 1917, was rejected because he did not serve in any of the Indian wars or campaigns named in that act. However, the report from the War Department shows that he was present with his company from January 1, 1872, to March 6, 1875, except when he was on detached service in the Black Hills, from December 26, 1874, to January 9, 1875, and that the stations of company from January 1, 1872, to March 6, 1875, were as follows: Fort D. H. Russell, Wyo., January 1, 1872, to May 20, 1873; in the field and at Camp No. 8, Yellowstone exposition, from May 20 to July, 1873; in the field and at Camp No. 58, Yellowstone exposition, from July to September 18, 1873.

While he did not serve in any of the Indian wars or campaigns named in the act of March 4, 1917, the report from the War Department shows that he did render service in the Yellowstone expedition in 1873, for more than 30 days, and this heretofore has been accepted as Indian war service by your committee.

The claimant was married to the soldier December 23, 1875, as shown by several statements made by him in his lifetime, and that
they lived together and raised a family of children, and it is shown that neither had been previously married.

The claimant is 69 years of age, has no property and no income, and has no children or relative who contributed to her support, except that she makes her home with a married daughter who supports her without pay or compensation, and it is shown that she is practically unable to perform manual labor.

As the soldier is clearly shown to have had Indian-war service, it is recommended that she be granted a pension of $12 per month.

H. R. 13751. Owen Bowens, National Military Home, Dayton, Ohio, served in the United States Navy on the U. S. S. Yale, from date of his enlistment, June 18, 1898, to September 2, 1898, when discharged at New York by reason of expiration of the cruise.

He has no title to pension under the Spanish War pension act, as his entire service was but for a period of 77 days. He stated that he was aboard the steamship St. Louis before his enlistment in the Navy, but was not an enlisted man on the St. Louis, but simply employed.

He filed no claim in the Pension Bureau, as his entire service was not for 90 days.

It is shown by a report from the Navy Department that the steamship Yale was owned by the International Navigation Co. and in an agreement with its owners was taken over with its crew by the United States and fitted for scout duty during the war with Spain. It was placed in commission May 2, 1898, and out of commission September 2, 1898. During this short period this vessel rendered considerable war service.

The claimant however did not render all of the service that some of its crew did, for the reason that he did not enlist until June 18, 1898. However, from June 27, 1898, the crew and vessel rendered the following service:

- June 27-29, off Santiago de Cuba.
- July 3, Key West, Fla.
- July 5-8, Charleston, S. C. Embarked troops for Porto Rico.
- July 17-21, Guantamano, Cuba.
- July 21, sailed from Guantamano, Cuba, escorting troop transports to Porto Rico.
- July 25-26, Guanico, P. R., landed troops.
- August 1-11, New York, N. Y.
- August 23-26, Montauk Point, Long Island, N. Y.
- August 27, arrived at New York, N. Y.
- September 2, placed out of commission at navy yard, New York, N. Y.

Officers and enlisted men eligible for Spanish campaign badges between May 6 and May 29, 1898, and between June 27 and July 26, 1898. (See Bureau of Navigation Manual for 1921, p. 11.)

The claimant is 55 years of age, owns no property, and has no income, and an inmate of a soldiers’ home.

A physician states that claimant is badly afflicted with total loss of hearing of right ear, and almost total loss of hearing of left ear; that his hearing is so bad he could hardly make the sailor understand when he examined him. The physician also states that claimant has hemorrhoids, which have a tendency to come down and bleed profusely, and that he believes that the sailor is totally in-
capacitated for the performance of manual labor. Identity has been established. This sailor rendered more active service during the war with Spain during the 77 days than a great many who were in the service at that time for over 90 days.

In view of the active service rendered by the sailor during the war with Spain, it is recommended that he be granted a small pension of $12 per month.

H. R. 13761. Frederick C. Gleisle, National Military Home, Ohio, served in Company B, Sixth Regiment United States Cavalry, from September 25, 1880, until September 24, 1885, when honorably discharged. He also alleges that he served in Company H, Twenty-first Regiment United States Infantry, under the name of Frederick C. Aman and a man of that name did serve in that organization from March 20, 1891, to June 20, 1894, when he was discharged. (I. W. S. Orig. 17933.)

A claim filed under the general law was rejected in April, 1926, because the claimant could not connect his disabilities with his service, and a claim filed by him under the Indian war pension act of March 4, 1917, was rejected in January, 1922, because he did not serve in any of the Indian wars or campaigns mentioned in the act.

However, The Adjutant General, United States Army, advises this committee that within the period from August, 1881, to August, 1882, he was apparently with his command in numerous engagements with Indians in Arizona, presumably the Apaches, and that he was apparently with his troop in actions with Indians at San Carlos, Ariz., September 30, 1881, and near Fort Thomas, Ariz., April 20, 1882.

In view of this he should be regarded as an Indian war soldier.

He is 65 years of age and has no property or income, and medical testimony shows that he has defective sight and hearing, hemorrhoids, rheumatism, and other troubles, and that he is about 80 per cent disabled for manual labor.

He is married and it appears that all of his children are over 16 years of age.

The identity of the claimant as the soldier who rendered the Indian war service is clearly shown.

Having been an Indian war soldier the committee recommends that he be granted a pension at the rate of $20 per month.

H. R. 13840. Lettie E. Townsend, Sheridan, Oreg., is the widow of John W. Townsend, who served in Captain Hayden's Company G, First Oregon Mounted Volunteers, from October 15, 1855, to February 18, 1856. (I. W. W. Ctf. 7661.)

Claimant was married to the soldier December 7, 1865, and he died October 19, 1908.

She is now pensioned at the rate of $12 per month under the Indian war pension acts of July 27, 1892, and June 27, 1902. She is 86 years of age, and has no property and no income except her pension and has no relative who contributes to her support except a daughter who furnishes the house in which she lives.

A physician testifies that she is much debilitated with defective sight and hearing.

An increase of pension to the rate of $20 per month is recommended.
H. R. 13842. Jane Van Arburg, Tyee, Oreg., is the widow of Lorenzo Van Arburg, who served during an Indian war in Captain Noland's Company B, Second Oregon Mounted Volunteers, from February 28, 1856, to July 3, 1856, when honorably discharged. (I. W. W. Ctf. 7809.)

This claimant is now pensioned under the Indian war pension act of June 27, 1902, at the rate of $12 per month, as soldier's widow. She was married to him October 24, 1882, and he died January 26, 1910.

She is 83 years of age and owns no property and has no income other than her pension, and by reason of infirmities due to age is incapacitated for labor. She lives with a daughter part of the time and has no other children who contribute to her support.

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

H. R. 13861. Allison D. McKinney, Inglenook, Ala., served during the war with Spain in Companies M and K, Second Regiment Alabama Infantry, from June 2, 1898, to August 26, 1898 (86 days), when he was discharged on account of pulmonary tuberculosis of both lungs existing prior to enlistment. (Inv. Orig. 1212538.)

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

July 9 to August 8, 1898, for tuberculosis both lungs upper lobes, existed prior to enlistment, not in line of duty, returned to duty; also shown on report for August, 1898, of division hospital, First Division, Seventh Artillery Corps, Miami, Fla., as treated in hospital. July 9 to August 3, 1898, for typhoid fever in line of duty; returned to duty. No additional evidence found on records of the regiment June to August, 1898.

The soldier's claim under the general law was rejected June 14, 1900, on the ground that the alleged disease of lungs as shown by the records of the War Department existed prior to enlistment.

His claim under the Spanish War service pension act of June 5, 1920, was rejected because he rendered less than 90 days of service.

Official medical examination of January 3, 1900, showed no disability other than dullness over apex of left lung and official medical examination of October 1, 1924, disclosed no disability at all except psoriasis (skin disease) on left elbow.

Two witnesses state that claimant was healthy prior to enlistment and has been unable to perform manual labor since his discharge from the service. From the above-cited medical examinations these statements do not appear to be correct.

One witness stated that he met him upon his return from the service and that the soldier had to be assisted from the train.

The Member who introduced this bill makes the following statement:

I have a personal knowledge of this matter. I served in Company K, First Alabama Infantry, and was sent to the division hospital at Miami, Fla., in July, 1898, as a patient. I was placed in a tent with some six or eight other soldier patients, among whom was said Allison D. McKinney, whose acquaintance I then made. I have known him intimately ever since and have seen him at frequent intervals.

At the time I made Mr. McKinney's acquaintance he had a jaundiced appearance; also appeared to have a cold and was doing considerable coughing. Camp conditions had been and were very bad with his regiment and my own, which were camped close together. The air was full of mosquitoes
both day and night. We had no mosquito bars or other protection in camp or at the hospital and were bitten constantly. I remember distinctly that, owing to the heat, I wore only a shortsleeved undershirt both day and night while in the hospital—no sleeping clothes were furnished—and mosquitoes bit me on my arms until they were swollen. I must have had not less than 500 bites apparent at one time. My condition was about the same as other soldiers, including McKinney.

The sick soldiers were furnished no bed clothing or other equipment, except that some were fortunate enough to have cots on which to lie. We had no nurse worth calling such. We were under the care of an Army contract doctor, who visited us for a few minutes twice daily. I remember that on the day that I got acquainted with McKinney he made a strong plea to the doctor for discharge and told him a lot of stuff about his folks having had tuberculosis. The doctor had no facilities for examination, not even a stethoscope. It is my recollection that he never took any specimen of McKinney’s sputum for examination. I do know that he did not examine his sputum in the tent. About the second day after McKinney asked the doctor for his discharge, the latter brought another officer (I presume a surgeon) into the tent with him, and together they asked McKinney a few questions, and on the following day the doctor who had us in charge told McKinney that he had recommended his discharge for disability. Some days later McKinney was discharged and I saw no more of him until my regiment was mustered out some four or five months later.

When I next saw McKinney, he had no cold, no cough, but was rather pale and anemic looking, and on the many occasions when I have seen him since up to the present, his appearance has not greatly changed. He has never had any appearance of having tuberculosis, so far as I, as a layman, could detect.

I am convinced that Mr. McKinney’s disability, as it existed when I first saw him, was due to malaria, which nearly 25 per cent of the soldiers camped at Miami at the time were then suffering from in various forms. Such hospitals as we had were swamped, and many men were sick in quarters. He possibly also had a light cold and maybe a chronic condition of nose and throat. I am also convinced that neither at that time nor at any time since his discharge has Mr. McKinney had tuberculosis.

I believe that Mr. McKinney’s claim is meritorious and that the Pension Office should have allowed it. For this reason I beg to urge a favorable report on his bill.

Claimant is 50 years of age and married.

He owns no property, and he states his income varies according to his ability to work, and is estimated to be about $500 per year.

A physician states as follows relative to the soldier’s present physical condition:

That he is a practicing physician, and has been acquainted with the above-named soldier for about 14 years, and that I did not know soldier prior to enlistment; I have known him for about 14 years, being his family physician during this time and living within one-fourth of a mile of him during the entire 14 years. He has chronic malaria, for which I have treated him every year since 1912. Since I have been treating him he has had a persistent eczema, an enlarged spleen, and also an enlarged liver, which conditions have existed since he has been under my observation. From history I get, he has had this condition since he was in the Spanish-American War. Physical examination of his lungs and sputum fail to show any trace of tuberculosis. (Many examinations of his sputum have been returned “Negative for T. B.”) I consider his disability now at 50 per cent, or one-half.

Your committee recommends a pension of $20 per month.

H. R. 13867. Buck Roberts, Gold, Tex., served during certain Indian wars in Capt. Buck Robert’s company, Texas Minutemen, from 1868 to December, 1870, as alleged. (I. W. S. Orig. 21087.)

His claim for pension under the Indian war pension act of March 4, 1917, was rejected because neither the official records of the United
States nor of the State of Texas afford any evidence of the service alleged.

Two members of this company state under oath (Cicero C. Patton and James A. Patton) that the claimant was a member of their organization and that he served from the early part of January, 1870, until December, 1870, in said company with them against Indian depredations in Texas, and that this claimant is a son of Capt. Alexander Roberts, the captain of the company. They also stated claimant served as early as the year 1868.

Both Cicero C. Patton and James A. Patton have been granted pension by special acts of Congress based on this service and a full history of the service may be found in the case of Cicero C. Patton, Sixty-eighth Congress, Report No. 570, page 352.

This claimant is 76 years of age, and it is shown by the evidence that he owns no property and has no income other than about $10 per month.

A physician states that for the last two or three years he treated the claimant for kidney and bladder trouble, indigestion incident to old age, and a compound fracture of the tibia resulting in deformity from gunshot wound, and that he can probably put in one-fourth time at work.

In view of the claimant's Indian war service and that two of his comrades have already been pensioned by special acts of Congress for this service, it is recommended that he be granted a pension at the rate of $20 per month.

H. R. 13895. Katherine Wilson, Ironton, Ohio, is the dependent mother of Joseph Ketterer, who served in Company B, Fifteenth Regiment United States Infantry, from May 19, 1911, until November 20, 1913, when he committed suicide while in the guardhouse under mental observations for insanity. (Mother’s Cert. 799551.)

His death was accepted as occurring in line of duty and the claimant is now pensioned at $12 per month under the general law.

She is 66 years of age and has no property and no income, except her pension, and witnesses state her children are unable to support her.

A physician testifies that she has chronic cystitis, a mentality of six years, and that she is thoroughly incapable of self-sustenance.

Increase to $20 per month is recommended.

H. R. 13896. William Green, Brazil, Ind., served in Troop F, Ninth United States Cavalry, from March 1, 1875, to March 4, 1880, when honorably discharged, and also from July 22, 1880, to July 21, 1885, when honorably discharged. (Inv. Cert. 425121; I. W. S. O. 11339.)

The soldier is now pensioned at $8 per month under the general law on account of an injury of his left foot incurred in the service, and an increase was rejected in April, 1926. At the same time a claim for catarrh was rejected because he was unable to furnish competent evidence to connect that disease with his military service. A claim under the Indian war act of March 4, 1917, was rejected in February, 1919, because he did not serve in any of the Indian campaigns named in the act. He states in an affidavit on file that he served in the White Mountain Apache Indian war of August 8, 1878; in New Mexico and in the Smoke Mountain Apache war of
November 3, 1882, in Arizona, and that he was in an Indian campaign from August, 1878, to November 3, 1882. While The Adjutant General reports that he did not serve in any Indian campaigns named in the act of March 4, 1917, the report shows that he served in the field in New Mexico from June 28 to July 1, 1876, and that he was again in the field in New Mexico from November, 1878, to March 3, 1879, and that he was also in the field in Oklahoma from February 1 to March, 1883, and also that he was in the field at other times. It is quite evident from this that he had considerable active Indian war service.

He is 72 years of age, owns a lot worth about $50, and has no income, and witnesses state that he has been able to do very little work for the past five years, and a physician testifies that he has treated him at various times during the last 10 years for an affection of the throat and lungs of long standing, and that this condition has gradually become worse in spite of almost continual medical treatment until it has during the past two years totally incapacitated him for performing any manual labor whatever. In addition to this he has the injury to his foot on account of which he is pensioned.

The committee recommends that he be granted an increase of pension to the rate of $20 per month, the rate allowed by law to Indian war soldiers.

H. R. 13913. Carrie G. Koelln, 740 Fuller Avenue, St. Paul, Minn., is the widow of William Koelln, who served in the United States Navy from May 28, 1902, to April 21, 1904, when honorably discharged for pulmonary consumption due to service. (W. O. 1231899.)

The sailor was pensioned at $17 per month for disease of lungs. He died March 24, 1925, of a cerebral hemorrhage.

A claim filed by the widow under the act of September 1, 1922, was rejected November 20, 1925, because the sailor rendered less than 90 days service during the Philippine insurrection and was not discharged for disability due to service.

He was discharged for disability due to service but it was contracted after the close of the Philippine insurrection.

Claim under the general law was rejected because the fatal cerebral hemorrhage was not accepted as a result of the pensionable disability or otherwise shown due to his service. In an affidavit filed in the claim Dr. H. Busher, the attending physician, testified as follows:

This certifies that I took care of William Koelln in his last illness, which caused his death on March 24, 1925. The immediate cause of his death was cerebral hemorrhage (bleeding into the brain). For several years he had arteriosclerosis (hardening of the arteries) with high blood pressure (240/150). In such cases sooner or later there will be a rupture of the weakest spot in the arterial system, this spot usually being the brain vessel; just like an old stiff rubber tire which is inflated too much. Mr. Koelln also had an old chronic lung condition, dating back to the days of his service in the Navy, which caused him to have frequent violent coughing spells, so hard that he would get blue in the face. It was in a coughing spell that he got his first stroke. Now, it is my opinion that Mr. Koelln would have lived many more years with his blood-vessel condition and high blood pressure, if the strain of these coughing spells had not hastened a rupture, with hemorrhage. It is just like an old tire with a weak spot, which has been inflated with too great a pressure; if such a tire is used carefully on a smooth pavement, it may give service for a long time; however, if used on a bumpy road where each bump puts an extra strain on the tire, it will blow out very soon. As each bump
puts an extra strain on the old tire, that same way each coughing spell put an extra strain on Mr. Koelln's high-pressured, defective, blood vessels, and the old lung condition in that way very materially contributed to the cause of his death.

H. BUSHER, M. D., St. Paul, Minn.

Claimant is 46 years of age, has no property except a life interest in the home left by the sailor, and has no income.

A daughter lives with her and pays for her board.

A physician states that the claimant's physical condition is such that she is unable to go out and work to support herself and three children.

The claimant has one child under 16 years of age and two just past that age.

Claimant was married to the sailor March 5, 1907, and there was no prior marriage of either, and she has not remarried.

Sailor was in the service only 38 days before the end of the Philippine insurrection, but he was discharged for a disability due to service but contracted after the insurrection.

While the medical officers of the bureau have declined to accept the death cause as a result of the disease of lungs contracted in service, the committee believes claimant should be given the benefit of all doubt in view of the testimony of the attending physician.

It is therefore recommended that she be granted a pension of $20 per month, with $6 per month additional for sailor's child under 16 years of age.

H. R. 13920. Frank Scott, box 45, Elizabeth, Pa., served in Troop K, Tenth United States Cavalry, from June 6, 1884, to June 5, 1889, when honorably discharged. (Claim No. I. W. S. C. 10647.)

This soldier's claim under the general act was rejected many years ago, because he could not connect his disabilities with his service.

A claim under the Indian war act of March 4, 1919, filed March 29, 1917, was rejected because he was then not 62 years of age.

He was then granted a pension of $20 per month by a special act approved March 3, 1921, as the report from the War Department showed that he served over 30 days in the campaign against the Apaches in Arizona in 1885 and 1886.

He is 64 years of age, and has no property and no income except his pension.

The witnesses state that he has had to sell what little property he had to pay doctor's bills.

A physician testifies that he has nephritis, with arteriosclerosis, shortness of breath, swelling of feet and legs, and that he is very weak and can not take care of himself.

Increase to $30 per month is recommended.

H. R. 13980. Louisa Everhard, Cincinnati, Ohio, is the widow of Theodore G. Everhard, alias Benjamin F. Adams, who served during the campaign against the Northern Cheyenne and Sioux Indians, in Troop A, Third Regiment United States Cavalry, from June 12, 1873, to June 12, 1878, when honorably discharged. (I. W. W. Ctf. 9928.)

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 December 18, 1879, and he died October 11, 1903.
She is 70 years of age. It is shown by the evidence filed with the bill that she owns no property and has no income other than her pension. Witnesses also state that a married son sends her a few dollars occasionally.

A physician states that by reason of a deformed right wrist, bad hearing, and old age the claimant is unable to engage in gainful occupation and is worthy and in need of an increase of pension.

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

H. R. 13993. Mabel C. B. Frazier, Roanoke, Mo., is the widow of Lieut. Col. Joseph Frazier, who served during the war with Spain and the World War. His military history is as follows:

He served as a cadet, United States Military Academy, from July 1, 1886, to June 12, 1891, when he was graduated and appointed a second lieutenant, Nineteenth Infantry. He was promoted to first lieutenant January 16, 1898; captain, Twenty-fifth Infantry, August 11, 1900; major, January 31, 1912, serving as such until he was retired from active duty on July 22, 1916. He was retired at his own request after 30 years service (sec. 1243 R. S., act of June 3, 1916, and July 9, 1918); advanced to grade of lieutenant colonel, on the retired list, July 9, 1918.

The records also show that he was on college duty at Lexington, Mo., from April 21 to 28, 1898; awaiting orders, and at Little Rock, Ark., with Arkansas Volunteers and en route to join regiment to June 29, 1898; in and en route to and from Cuba (serving in the Santiago campaign) from June 29 to September 1, 1898; en route to and at Madison Barracks, N. Y., to November 19, 1898; in and en route to and from Cuba from November 21, 1898, to March 30, 1899; quartermaster on United States Army transport Senator, enroute to the Philippine Islands, from April 28, 1899, to June 24, 1899; in the Philippine Islands to June 27, 1900; in en route to and from China June 28, 1900, to November 3, 1900; in the Philippine Islands and en route to the United States November 4, 1900, to August 18, 1901; en route to and at Fort Snelling, Minn., to June, 1902; and at Fort Wayne, Mich., to July 4, 1902.

He also served during the World War as professor military science and tactics from May 21, 1917, to March 18, 1919. (Widow Certf. 1537442.)

The officer died March 13, 1926, and the claimant is now in receipt of a pension of $30 per month as provided by the Spanish War pension act of May 1, 1926.

Your applicant married the officer July 24, 1891, and is now 53 years of age.

It is shown by the evidence filed with the bill that she has real estate and personal property valued in all at $1,000 and has no income other than her pension.

She has no relatives or children who contribute to her support.

A physician states that she has a type of functional nervous disorder which is more or less chronic and at times has caused her to require the services of a physician and which incapacitates her for physical labor.

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


The records of the War Department show treatment in service for minor troubles and for acute catarrh, influenza, epilepsy (grand
mal in line of duty), and a rapid heart. Diagnosis of epilepsy at one time was changed to tachycardia (rapid heart).

The soldier was granted a pension of $10 per month for epilepsy contracted in the service upon his application filed in the Pension Bureau September 3, 1915. In the year 1921 his pension was increased to $17 per month, and to $30 per month from October 24, 1925, by the Pension Bureau.

The last increase was allowed upon the following official medical examination of October 24, 1925:

From my examination and history and what I saw five or six years ago this man has epilepsy of a type different from many others as he seems to have a few minutes to sit down or lie down before unconsciousness comes. I do not find any scars on back of head, neither do I find his tongue cut by his teeth. No regular intervals occur between the attacks. He has a very peculiar facial expression, as if he is looking for something that does not happen. He is a man of very few words. No interest in anything. Did not appear to be very much interested in his claim; did not ask me any questions as to what I would do or what he was entitled to. Did not feign. All reflexes were negative. Has a very bad case of nervous tachycardia. A little exercise made him shake and tremble all over. Not able to perform any manual labor. Facial expression indicates epilepsy. Palms of hands soft. No corns. No, he could not match fingers; he was too nervous for much agility. I find no organic disease of gastric intestinal tract or lungs. No evidence of syphilis or gonorrhoea. He is undernourished. That may be due to the fact that he has not got it. While I do not think he is a lunatic, but a listless nonconcerned human; has no plans for present or future; said he would be better off dead. He said he does not go anywhere, not even to church.

This man is entitled to $30 per month or more if the law justifies it.

The soldier is 34 years of age, and has a wife and three small children to support.

It is shown by the evidence filed with the bill that the claimant owns no property and has no income other than his pension, and is unable to work.

Witnesses state that claimant has spells of unconsciousness most every day.

A physician states that claimant is wholly unable to perform manual labor by reason of cardiac palpitation (fast pulse, 140 per minute), enlargement of the thyroid gland complicated with petit mal attacks (attacks of epilepsy) which come upon him without warning. This doctor also states that soldier's condition is grave.

Soldier could not procure the next rate of pension ($50 per month) unless he requires the periodical aid and attendance of another person. It appears that his condition is very near this and that he is absolutely unable to work.

In view of this fact, and that he has a wife and several small children to support, it is recommended that his pension be increased to $40 per month.

H. R. 14052. John H. Bromm, 49 Newkirk Street, Jersey City, N. J., served in Companies H and B, Eleventh Regiment United States Infantry, from October 13, 1871, to October 13, 1876, when honorably discharged. He had also a subsequent service in Company K, Nineteenth United States Infantry, from January 25, 1878, to January 24, 1883, when honorably discharged. (Claim No. I. W. S. C. 7585.)

This soldier is now pensioned at $20 per month under the Indian war act of March 4, 1917.
He is 79 years of age; owns his home, worth about $3,000, and has no income except his pension. Medical and other evidence shows that he is wholly unable to perform manual labor. He is crippled by chronic rheumatism.

Increase to $30 per month is recommended.

H. R. 14062. Melvina A. Boyce, 41 Brookview Avenue, Troy N. Y., is the widow of Myron P. Boyce, who served during certain Indian wars, in Troop M, Third Regiment United States Cavalry, from March 7, 1872, to March 7, 1877, when honorably discharged, and also from February 27, 1878, to August 8, 1878, when honorably discharged. (I. W. W. Ctf. 10239.)

The claimant was married to the soldier December 18, 1878, and he died June 24, 1883. She is now pensioned under the Indian war pension act of March 4, 1917, at the rate of $12 per month.

It is shown by the evidence that she is 74 years of age, and she states that she owns no property, and witnesses states that she has no income except her pension of $12 per month and the interest on $500, and a sister contributes to her support.

A physician states that she has rheumatism and arthritis deformans, and can walk with difficulty, and is unable to perform labor.

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

H. R. 14092. Jesse V. Dungan, Oskaloosa, Iowa, served over 30 days against the Cheyenne and Kiowa Indians in Kansas and Indian Territory in the years 1873 and 1875. He enlisted in Troop C, Sixth Regiment United States Cavalry, March 15, 1873, and was honorably discharged March 15, 1878. (I. W. S. C. 6952.)

Claimant is not shown to have any disabilities of service origin.

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

Your applicant is 75 years of age, owns no property, and has no income other than his pension.

A physician states that claimant is wholly unable to earn his support by reason of organic heart trouble, vertigo, arteriosclerosis, asthma, and chronic indigestion; that he is very nervous and emaciated and confined to his home and bed. He is married.

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

H. R. 14145. Kate Painter, Ravenna, Nebr., is the widow of John G. Painter, who served during the war with Spain as captain in Company M, First Regiment Nebraska Infantry, from April 27, 1898, to June 15, 1898, when he was discharged for disability by reason of signs of commencing tuberculosis of lungs, and cardiac disease (hypertrophy and mitral insufficiency); 50 days of service. (Wid. Orig. 1043620.)

The soldier never filed a claim for pension, and he died as shown by a copy of the public record on March 12, 1914, of endocarditis, mitral insufficiency, contributory cause chronic tuberculosis.

The claimant was married to the soldier May 16, 1883, and neither were previously married, and she is shown to be the soldier's legal widow.
A claim for pension under the general law was rejected after a special examination on the ground that from the evidence it was shown that the soldier's death from endocarditis, mitral insufficiency, and chronic tuberculosis was not due to his military service of 50 days, but originated prior to his enlistment.

The special examination of the claim disclosed that the soldier had bronchitis and a tubercular condition prior to his enlistment, but no evidence was procured showing that he had any heart trouble prior to the service. The soldier was a rather heavy drinker of intoxicating liquors.

Dr. Charles L. Mullins, who served with the soldier, made the following statement to the special examiner:

I served as assistant surgeon, First Nebraska Infantry. John G. Painter was captain of Company M, my regiment. I knew him from the time I came here till enlistment. I saw him every few days, either the first or second year I was here, I treated him. It was probably about 1896. I have no record now of my treatment of him. He had something the matter with his lungs at that time. He had a cough. He had a bronchitis, but I could not be definite as to whether it was tubercular or not. The lung trouble was bronchitis. I saw him probably at different times for a few weeks. He recovered from that disability, and then seemed to be in good health up to his enlistment as far as I remember. I remember I made a pretty thorough examination of his chest and I did not discover any ailment except the bronchitis. We did not then have the means that we have now of discovering a tubercular lesion. I was not present when Captain Painter was examined for enlistment. I do not know who examined him.

I did not examine him at enlistment and can not say whether he was sound then or not. He had seemingly recovered his health and had gained in weight and appeared stout at enlistment. The cough had disappeared at that time. I do not remember of treating him while in service. I know something of his discharge from the Army, though I did not examine him. Col. John P. Bratt, of my regiment, came to me and said Captain Painter was not physically fit to go to the Philippines, and complained that he could not get Major Surgeon Snyder to act on the case, and I then took up the matter with Brigade Surgeon Owen and Captain Painter was ordered before Owen, who recommended his discharge. Doctor Owen told me he found Captain Painter with a bad heart. I do not know the cause of the bad heart. That was the first I knew that Captain Painter had heart trouble.

I do not remember that I ever treated him after my return from the Army. I do not know very much about his health after the service. From his appearance and from my talks with him I think he was not very well after his discharge. I do not know whether he had throat or lung trouble after the service.

Q. Did he suffer from or complain of rheumatism at any time?—A. I do not remember that he did.

Q. To what extent did he use liquor?—A. Well, I don't know. He used to drink some. I think before his enlistment while I knew him he drank to excess at times, but I don't think he did in recent years. No, he never got down that I ever knew of.

Q. (By claimant's attorney, C. W. BEAL.) Did you ever tell him that he had consumption?—A. No; I never gave him any positive statement about that. When a man has a cough it always arouses suspicions; that is, a persistent cough. He apparently recovered before he entered the service.

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

Dr. Frank A. Snyder, who examined the soldier for discharge, stated that he examined this soldier for discharge at San Francisco, Calif., upon his own request, and found lung trouble, also hypertrophy of the heart and mitral insufficiency; that the soldier never consulted him prior to enlistment, and that he looked physically fit when he joined the company, and had a healthy color, and that he can say that it was possible for him to have contracted lung trouble while in the service; and if he had lung trouble prior, that
the conditions at Camp Merritt were such as to aggravate any latent lung trouble for the reason that said camp was a terrible place on account of the fogs, and he would defy anyone to sleep there under the weather conditions that existed without acquiring something.

Claimant is 65 years of age, owns no property, and has no income; she has two children married who have families of their own and do not contribute to her support, only that she lives with her daughter.

A physician states that the claimant for the past four years has been totally incapacitated to perform any work by reason of cardiac hypertrophy with Bright's disease.

In view of the above statements it is believed that the soldier's fatal illness was due to his military service. If not entirely due to his service, it was surely hastened by it. Therefore, it is recommended that she be granted a pension at the rate of $20 per month.


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

- June 18 to 26, 1904, diarrhea, acute, cause indiscretion in diet, line of duty;
- September 6 to 10, 1904, diarrhea, acute, in line of duty; August 25 to September 2, 1905, sprain, left ankle, severe, accidentally incurred by dismounting while participating in a mounted relay race during department athletic sports; Presidio, quarters hospital August 28, quarters September 1, 1905, in line of duty (San Francisco, Calif., August 24, 1905); December 6, 1907, to January 12, 1908, contusion, severe, upper third, right leg, external and anterior surfaces, accidentally caused by horse falling while on drill, post, December 6, 1907, in line of duty.

- Complication: December 7, 1907, gonorrhea, acute, cured December 19, 1907, not in line of duty; January 22 to 24, 1908, malarial fever, intermittent tetian, nonmalignant, in line of duty; February 24 to March 3, 1908, periostitis, acute, left leg, following old fracture of tibia incurred at Camp Stotsenburg, P. I., November, 1907 (soldier's own statement), "quarters," in line of duty; March 22 to May 2, 1908, tumor of epididymis, right testicle, nature undetermined, cause unknown, "hospital," in line of duty.

- Returned to duty. No additional record of disability found.

The soldier filed a claim for pension October 23, 1922, alleging that about November 5, 1907, his right leg was broken by a horse falling on him and that he also had contracted rheumatism in the service. The claim was rejected in May, 1923, as to rheumatism, because there was no record of the same in the War Department and no medical or other satisfactory evidence of origin in the service, or existence at date of discharge or continuance thereafter until 1920, and as to fracture of right leg, on the ground of no ratable disability.

Another claim was filed in April, 1926, which was rejected in August, 1926, as to diarrhea, malarial fever, injury to right leg, periostitis of left leg, sprain of left ankle, and tumor of right testicle, on the ground of no ratable disability.

The affidavits of two persons were filed in the pension claim stating that they knew claimant to have rheumatism coming from the Army in 1908, and the medical evidence shows existence of same in 1920,
and the board of surgeons by which claimant was examined February 14, 1923, rated disability therefrom at three-fourths.

The claimant is 53 years of age, was never married, and witnesses state he has no real estate and no income whatever, and that he has been receiving help from the county in which he lives.

One of the witnesses states that he saw the claimant after he came out of the Army in 1908 and knows him to be crippled, having to wear a brace on the left ankle, and crippled in the left knee and right leg, and also knew him to have diarrhea and testicle trouble, and that he was unable to work about one-half the time until 1918, and since 1921 he has worked about one-fourth.

A physician testifies that in the summer of 1924 the claimant came to his office and asked for a package of aspirin tablets for a pain in his legs, and that in the spring of 1925 he began to attend him much more regularly, and from May to September he saw him every few days for an inflammatory condition of his knee joints, which he diagnosed as rheumatism, and that he estimates his disability about one-half.

However, the board of surgeons by which the claimant was examined May 12, 1926, found no rheumatism, but they made the following statement:

Fracture of right leg is alleged; but, if so, there is good bony union. Fracture is alleged very close to the knee. The knee joint has a very large amount of crepitus and almost ankylosed—very little motion and always painful. No objective symptoms obvious about alleged injured left foot, but claimant scarcely pretends to walk without assistance from some one. A heavy cane is always used. An attendant brought him to place of examination and took him away. The general personal appearance is bad. Skin is decidedly cochectic, the muscular development meastic and atrophied. The liver extends from level of sixth rib to lower margin of ribs. It is alleged that chills and fever still persist; attacks average every four to six weeks and last from three to five days. Bowel alternates between constipation and diarrhea. This man is totally disabled from the performance of manual labor. For some time has been receiving aid from the public authorities.

While it is not clearly shown that the soldier’s condition is due to his military service, yet he had a very long service and was treated for a number of disabilities incurred in the service in the line of duty. The committee believes that at least his condition is to some extent due to his military service and recommends that he be granted a pension of $12 per month.

H. R. 14163, Catherine M. Paull, Enhaut, Pa., is the widow of Edward S. Paull, who served during the war with Spain as musician in Company C, Fifteenth Regiment Pennsylvania Infantry, from November 10, 1898, to January 31, 1899, when his company was mustered out; 83 days of service.

The soldier never filed a claim for pension, neither has the widow, and she has no title to pension under the Spanish War pension act, as the soldier did not render 90 days’ service.

The records of the War Department show that the soldier did not serve outside the continental limits of the United States.

The claimant was married to the soldier as shown by the evidence on the 27th day of March, 1906, and he died May 26, 1926. She is 43 years of age, and, as shown by the evidence, has $1,000 paid on a house worth about $2,500. The witnesses state that the only income she has is from a daughter, 19 years of age, employed by the telephone
company, and from a boy in high school, who has just passed 16 years of age, who works during the summer months, and another son, 12 years of age, under her care.

The two children working give about $5 a week each to their mother for board.

The claimant and the soldier were never previously married.

A physician states that the claimant is of a nervous disposition, has attacks of chronic appendicitis and indigestion, and is not able to work but half the time by reason of such troubles.

The committee recommends a pension of $15 per month.

H. R. 14214. James O. Mousseau, Masopia, S. Dak., served as an Indian scout, United States Army, from March 1, to August 31, 1889, when honorably discharged, and again from September 10, 1890, to March 9, 1891. (I. W. S. O. 16189 and 1464440.)

A claim filed by the soldier under the general law was rejected several years ago, because he was unable to furnish competent evidence to show incurrance of disability in the service, and a claim filed under the Indian war pension act of March 4, 1917, was rejected in December, 1918, because he was not 62 years of age, and hence not entitled to pension under that law.

The Adjutant General United States Army, in his report, stated that this scout participated in the Sioux campaign in South Dakota in 1890 and 1891 for over 30 days; therefore, if he was 62 years of age, he would be entitled to a pension under the law.

He is, however, only 57 years of age, but he owns no real estate and only a few hundred dollars worth of personal property, and he is in a great measure dependent upon his sons for the necessaries of life, and witnesses state that in late years he has been unable to do hard labor and that his ability to work has been reduced one-half or more.

A physician states that upon examination he would state that the soldier can hardly use his left arm as he states that it was injured during the service, and that upon examination of his left leg, he would state that it is all swollen and makes him limp around and is getting worse.

As this soldier rendered a pensionable Indian war service, and is disabled to a considerable extent, the committee recommends that he be granted a pension at the rate of $20 per month.

H. R. 14226. Will B. Baccus, 118 Hyman Street, San Antonio, Tex., served prior to the World War, during the World War, and subsequent thereto. He served from November 2, 1904, to November 4, 1910; January 4, 1912, to October 9, 1920; from November 6, 1920, to November 5, 1923; and from November 27, 1923, to January 18, 1926, when discharged on account of severe chronic bronchial asthma incurred in the line of duty. He had overseas service from May 26, 1918, to July 22, 1919. His last and pensioned service was Battery F, Fifteenth United States Field Artillery, when honorably discharged. (Inv. Ctf. 1530889.)

The claimant was granted a pension by the Pension Bureau of $30 per month, July 19, 1926, on account of chronic asthma due to his military service. This action was based upon the following statement of official medical examination:
This patient came in, in a very distressing attack of acute asthma. Dyspnoea marked, patient being practically unable to talk. Received relief from adrenalin. Chest full of sibilant and sonorous râles, with many large moist râles; expectoration profuse. This patient was observed in this hospital from October, 1925, to January, 1926, during which time he received a complete search for foci of infection. Teeth were cleaned up by fillings and extractions. Prostrate massaged, etc., skin sensitization tests done with various foods, pollens, bacteria, animal excretions, etc.; none were positive. The left antrum and ethmoids were cloudy but not opaque. His acute attacks occur with great frequency and he states he is troubled every night with difficult breathings and smothering sensations. Sleeps propped up in bed. He was rated on certificate of disability by board as 10/12 disabled. He is at present totally disabled.

Claimant is 43 years of age. He owns no property and has no income other than his pension to support his wife and a child 11 years of age. No one makes regular contributions toward his support, but he states a brother gave him $100 in July, 1926.

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

He was called first on April 3, 1926, and found him to be suffering very severely from bronchial asthma. He was called again on April 10, 1926, and found him again in similar condition. At these times the patient was entirely incapacitated, forced to sit up in bed in order to breathe, expectorating large quantities of sputum. Since that time he has been consulted over the telephone about the patient at times, and found him confined to bed while in his home on July 10, 1926. On examination (September 24, 1926), his chest showed signs of bronchial asthma, severe. From complaints at time of illness I would judge that patient is practically unable to perform any manual labor without bringing on an asthmatic attack.

In view of this claimant's long service, the fact that he served during the World War, is wholly disabled on account of disabilities contracted in the military service subsequent to the World War, and that he has a wife and small child to support, your committee recommends that his pension be increased to the rate of $40 per month.

H. R. 14276. Joseph F. Short, Healdton, Okla., served during time of peace in Battery B, Third Regiment United States Field Artillery, from March 6, to November 19, 1908, when discharged for disability. (Inv. Orig. 1379626.)

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

August 28 to November 19, 1908, bronchitis, acute, bilateral, in line of duty. Discharged on surgeon's certificate of disability November 19, 1908, rendered necessary on account of dilatation of the heart, in line of duty. Degree of disability 5/30. Left post November 19, 1908. No additional record of disability found.

The claimant was discharged on account of “dilatation of the heart.” The surgeon stated on the certificate of disability that the disability was incurred while soldier was on a 250-mile practice march, and that the same was incurred while in line of duty.

His claim for pension, filed December 17, 1908, was rejected after a special examination on the ground that the disease of heart existed prior to enlistment as shown by the evidence.

The soldier claimed in his application that while marching he suffered with nervousness, dizziness, and shortness of breath, with occasional fever and pains in chest, which was pronounced dilatation of the heart.
In his first statement to the special examiner he stated that when he was about 18 years of age he had a severe cold and a wheezing (three years before enlistment), and that his mother said she believed he had asthma.

A physician stated to the special examiner in part as follows relative to claimant's heart trouble prior to service:

He had pneumonia and this bronchial trouble in 1906 (prior to enlistment). At the time he had functional disturbance of the heart, but no organic disease of the heart; the functional trouble was entirely due to bronchial trouble. I consider the trouble due to the pneumonia. The condition which existed would in time cause dilatation or organic disease of the heart.

Shortly before enlistment claimant was examined for employment with Santa Fe Railroad (October 15, 1907) and this examination failed to reveal any heart trouble.

R. S. Coursey stated to the special examiner that he knew the soldier well prior to his enlistment and the only disability he had was asthma; but for how long before his service he could not say.

Claimant's mother and father both stated that soldier was sick with a cold and shortness of breath some few years prior to enlistment; that three other children had pneumonia at said time, but claimant was not so sick as they.

Claimant now attempts to state that he did not have pneumonia or asthma prior to enlistment. Some witnesses state claimant was sound prior to enlistment.

He is 39 years of age, and has a wife and two children under 16 years of age to support. He owns his own home valued at $1,200 and his income is his salary of $1,900 per year. Witnesses state that his net salary is about $1,200, he being employed by the local chamber of commerce as secretary and must pay his own office help and traveling expenses.

A physician states that he considers the claimant by reason of dilatation and mitral leakage of the heart unable to perform manual labor, but aside from the above disabilities he considers him a strong man. When he was examined by a board of surgeons in 1909 a rating of $12 per month was recommended on account of heart trouble.

Witnesses state claimant has heart trouble and can only do light work.

There may be considerable doubt that this soldier had any real heart trouble prior to enlistment, and in view of the holding of the War Department that the heart trouble was due to service, particularly the statement of the surgeon who examined him at discharge to the effect that the heart trouble was contracted on a 250-mile march in line of duty, it is recommended that he be granted a pension of $8 per month.

H. R. 14280. Dederick Frederick Colldeveih, Manteca, Calif., served during the war with Spain in Company B, Seventh Regiment California Infantry, from July 16 to October 8, 1898, when he was honorably discharged, waiving his right to furlough. Eighty-five days of service. (Invalid Orig. 1473781.) His claim for pension under the Spanish War act of June 5, 1920, was on February 27, 1926, rejected by the Pension Bureau on the ground that he rendered less than 90 days' service.

The soldier is 48 years of age, married, and has several small children to support.
It is shown by the evidence that he owns 10 acres of land, 14 head of cattle, and 2 horses, valued in all at $2,000, and that his annual income from all sources is about $700. A physician states that the claimant on January 26, 1926, was operated upon for an adeno carcinoma of sigmoid flexure of colon, and since the operation he has regained all but 5 pounds of his normal weight, and at the present time is in quite good shape; that there are no signs of recurrence at this time; however, he will have to have X rays made regularly; that he looks weak, probably due to the operation, and in his opinion is probably disabled from one-fourth to one-half at this time. The doctor also states that the recurrence of the condition described is guarded.

Witnesses state that the claimant depends upon his wife and children to work his small farm, and that he at the present time is able to do only light work.

This soldier, if he had not refused the 30-day furlough as granted most Spanish War soldiers, would have a pensionable status in the Pension Bureau, and at the present time his condition appears to warrant the minimum rate of pension under the act of May 1, 1926 ($20 per month). In view of all the facts, a pension of $12 per month is recommended.

H. R. 14319. Fred J. Driftmeyer, who gives his post-office address as Marion, Ind., served in Company G, One hundred and fifty-seventh Regiment Indian Infantry, during the war with Spain, from April 26 to July 13, 1898, when discharged for a disability stated by the records to have existed prior to enlistment. (Inv. Ctf. 1211622.) His claim for pension under the general law based on disease of heart was rejected because not due to the service, and a claim filed under the act of June 5, 1920, was rejected because of insufficient service. He had only 79 days. He was granted a pension of $18 per month by special act of Congress approved September 22, 1922.

He is now 51 years of age, and it appears from the evidence has no property or income except his pension.

A physician testifies that he has known him about six years and that he is suffering from heart disease and takes digitalis more or less constantly, and that some years ago he was operated upon for a hernia which is beginning to show again. He further states that he is entirely blind in the right eye and has impaired vision of the other eye. He also states that he is totally disabled for manual labor.

He was never married and appears to have no family, and although he now gives his post-office address as Marion, Ind., he is shown to have been in different soldiers' homes for a number of years past, and was in the soldiers' home in California in June last.

The committee recommends an increase of pension to $24 per month.

H. R. 14347. Charles W. Shrope, Fayetteville, Ohio, served in the Regular Establishment, in Companies B and E, Sixth Regiment United States Infantry, from April 25, 1878, to April 24, 1883; also from June 27, 1884, to June 26, 1889; and also served in the Regular Army from June 24, 1889, to October 6, 1893, when honorably discharged. (Inv. Ctf. 893643.)
This soldier is now pensioned at the rate of $30 per month on account of rheumatism, disease of heart, and varicose veins of right leg, and a claim for increase of pension was rejected July 12, 1922.

He is 70 years of age, and has no property and no income except his pension, and witnesses testify that he requires the frequent aid and attention of another person.

A physician describes his condition, as follows:

That he has been a practicing physician, and has been acquainted with the above-named soldier for about four years, and that he did not know said soldier prior to enlistment; that he has known him intimately and has treated him as his family physician for one year for rheumatism and disease of heart. Upon thorough examination this day I find heart action very irregular and rapid; second sound accentuated at apex. Also a dangerous systolic murmur at apex and at angle of left scapula; he has varicose veins of right leg, which are very painful unless the foot is elevated; also rheumatic spondylosis of both knee joints and ankle joints. No memorandum of treatment has been kept by me, and I cannot answer with certainty as to dates.

Since I have known him he has been wholly disabled to perform manual labor of any kind.

His physical condition coupled with his advanced age require the frequent and periodical aid and attendance of some other person.

The committee recommends that an increase of pension to the rate of $40 per month be granted.

H. R. 14356. Mary Barr, 87 School Street, Pawtucket, R. I., is the dependent mother of William Barr, who served in the Hospital Corps, United States Army, almost continuously from December 29, 1905, to August 31, 1912, when he died in service of acute pulmonary edema contracted in line of duty. (Mother's Cert. 745325.)

His mother is now pensioned under the general law at $12 per month. She is 64 years of age, a widow, has no property, and no income except her pension, and has no children contributing to her support.

A physician testifies that she has myocarditis, weak legs, varicose veins, and other troubles, and is unable to do any work of any account except when seated and then very little.

Increase to $20 per month is recommended.


Claimant was married to the soldier September 22, 1868, and he died March 31, 1897.

She was pensioned under the Indian war pension act of June 27, 1902, at the rate of $12 per month and the rate of her pension was increased to $20 per month by a special act of Congress approved March 3, 1921.

She is 87 years of age and has no property and no income except her pension, and a physician testifies that she is in such condition of mind that she is not capable of caring for herself and has not been for the last two years.

The committee recommends an increase of pension to the rate of $30 per month.
H. R. 14712. Walter L. Ross, Luray, Tenn., served in the One hundred and sixteenth Company, United States Coast Artillery, from June 16, 1905, to October 26, 1906, when honorably discharged.

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

April 4 to 13, 1905, strain, moderate, accidental, of muscles, lumbar region at athletics at Fort Screven, Ga., April 3, 1905, in line of duty; August 4 to 14, 1905, bronchitis, subacute, in line of duty; October 7 to November 1, 1905, tuberculosis, pulmonary, existed prior to enlistment, not in line of duty; November 6 to October 26, 1906, transfer card diagnosis, tuberculosis, pulmonary, existed prior to enlistment, not concurred in as not complete, not in line of duty; diagnosis changed on admission to hospital to pulmonary tuberculosis, chronic, involving both upper lobes, not in line of duty. Discharged on S. C. of Disability, October 26, 1906, account of pulmonary tuberculosis, not in line of duty. Degree of disability one-half. No additional record of disability found. The records of physical examination at enlistment show, "Pneumonia four years ago."

Soldier filed an application for pension November 7, 1906, which was rejected January 2, 1907, on the ground that the alleged disease of lungs existed prior to enlistment as shown by the records of the War Department.

After rejection the affidavits of several persons were filed to the effect that claimant was in good health before he enlisted, but reopening was denied.

The soldier is 43 years of age; owns no real estate and only a small amount of personal property, and his income is about $250 per year.

Two persons again testify to prior soundness and to existence of lung trouble after the service.

A physician testifies that he has given him treatment as needed since discharge and states he has been unable to work half the time, because of tuberculosis, as do other witnesses.

The soldier was in the service over six months before he was treated for any bronchial or lung trouble, and over a year and a half before he was discharged.

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

H. R. 14715. William E. Quinn, Jackson, Miss., served in the United States Navy during the war with Spain, from May 11, to August 7, 1898, when he was honorably discharged upon his own request. He had a prior service in the United States Navy from January 15, 1889, to May 28, 1889, when he was discharged. (Inv. Orig. 1460925.)

His claim for pension under the Spanish War pension act of June 5, 1920, was rejected because he did not render 90 days' service during the war with Spain. His service covered a period of 89 days, just one day short of the required 90 days.

The sailor states that although he was mustered into service for the war with Spain on May 11, 1898, he was in fact in the service from April 24, 1898, as he reported for duty on that date which would give him over 90 days' service.

He also stated that his previous service was on the U. S. S. Vandalia, and that he was on said vessel when it was completely wrecked and sunk in the storm at the Samoan Islands, and that he was in the
water from 8 until 12 o'clock at night and suffered a crushed ankle and other injuries.

This statement is partly corroborated by the report of the Navy Department showing that the sailor was on said vessel when it was wrecked and he incurred an injury.

The claimant is 71 years of age, and states that he has neither property or income, and witnesses testify that he is unable to do any kind of work, and a physician testifies that at this time he is unable to do any of manual labor due to a inguinal hernia, senility, and bad eyesight, probably cataracts.

As the claimant lacks but one day as having served the required 90 days, and is over 70 years of age, and considerably disabled, the committee recommends that he be granted a pension at the rate of $30 per month.


The records of the War Department show no treatment in service and no physical defects found at enlistment.

On April 8, 1924 (12 years after discharge), he filed a claim in the Pension Bureau alleging that while in the service in September, 1911, he contracted rheumatism and was kicked on the leg by a horse, and about August, 1911, he incurred severe deafness of right ear from target practice.

This claim was rejected after a medical examination upon the ground of no ratable degree of disability from the above-named disabilities.

This action of rejection was based upon the following medical report:

1. Flat foot bilateral third degree.
2. Partial ankylosis in lumbo portion of spine, 25 per cent limitation of motion. Measurements of joints in which he gives history of recurring pains are as follows: Left knee, 13 inches; right knee, 131/2 inches; left ankle, 9 1/2 inches; right ankle, 10 inches; left elbow, 10 inches; right elbow 101/4 inches; no redness, swelling, deformity, or loss of motion of above joints.
3. Slight pyorrhoea alveolosis of both upper and lower teeth.
4. Chronic hypertrophic infection of tonsils with chronic catarrhal pharyngitis.
5. No valvular lesions, edema, cyanosis of dyspnea.
6. Tenderness over both sciatic nerves at their exit.
7. No evidence of injury to left leg except extreme tenderness upon pressure of the tendo-achilles of which applicant claims due to kick by horse in 1917.
8. Right ear drum slightly bulges outward, hearing normal. Left ear has a condition requiring considerable syringing, with bulging outward of the drum, slight deafness of this ear.

In support of his pension claim the soldier filed the affidavit of one person who served with him (William S. Atkins), who stated that while in the service, your claimant was in September, 1911, kicked on his right foot, had his ear hurt in August, 1911, while on target range, and that he complained of rheumatism. He states that he knows of this by being with him at the time.

He also filed the affidavit of a doctor, who stated that he has known claimant since a child, and since the first of March, 1912, he

H. Rept. 1782, 69–2—8
has treated claimant for rheumatism of hips and shoulders, also for
trouble with right ear and right foot.

Claimant is 36 years of age and married.

Witnesses state that he owns a house valued at $350, and that his
annual income is about $1,020.

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

I have known Charles Thornburg 30 years and have known him long before
he enlisted in the World War (this is an error; did not serve during World
War), and he was a good, strong boy before he went to war. He was a sound
man when he enlisted, as I was his physician before he enlisted and also since
he came back since the war. He has rheumatism in hips and shoulders and he
complains of pain almost all of the time. I have been treating him ever since
he came home and from the time I became his doctor, and I have been treating
him numbers of times since he came back.

He is not able to do manual labor only partially and he also has severe heart
trouble, and I think it came from rheumatism; at least it knocks him out.

No record of treatment in the service and no claim filed until 12
years after discharge from peace-time service.

A pension of $12 per month is recommended.

H. R. 14757. Rufus M. Barnes, Annadel, Tenn., served in the
Second Company, United States Coast Artillery Corps, from August
6, 1915, to May 21, 1917, when honorably discharged. He also had a
prior service in Company L, Nineteenth Regiment, United States
Infantry, from May 20, 1912, to May 19, 1915, when honorably dis-
charged and had a further service during the World War. (Inv.
Ctf. 1180067.)

He is now pensioned at the rate of $17 per month under the general
law on account of a fracture of right femur which was incurred in
the service, and claim for increase of pension was rejected by the
Pension Bureau in November 1926.

He is now 34 years of age and has no property or income except
his pension, and a physician testifies that the muscles of his right
leg are slightly paralyzed and that he has kidney and bladder trouble.
He rates disability at 75 per cent. He is married and has a wife and
small child.

The board of surgeons by which claimant was examined October 6,
1926, stated that there was fracture of lower third right femur, caus-
ing contractions and atrophy of muscles and shortening of right
leg 2 inches, and that he limped in walking and rated disability
from fracture and disease of kidneys as equivalent to the loss of a
hand or foot. The disease of kidneys, however, is not shown to have
been due to the soldier's military service, and claim for that disability
has been rejected by the Pension Bureau.

There has also been filed with the bill a lengthy statement from
the records of the hospital at Chelsea, Mass., showing the soldier's
condition in 1921 and 1922, and a copy of a statement of J. C.
Wilson, M. D., of Rockwood, Tenn., dated July 29, 1926, to the effect
that he examined the soldier and found him suffering from the in-
fecion of kidneys and bladder causing many septic symptoms, great
deblity and weakness, also a very great weakness of the posterior
tibial muscles due to some nerve degeneration, which causes almost a
total disability of right leg.
The medical officers of the Pension Bureau in rejecting the several claims for increase of pension, held that the condition of the broken femur was in part due to a fracture before the service. As claimant’s conditions of leg is shown to be the result of his military service and there seems to be considerable disability due thereto, the committee recommends an increase of pension from $17 to $24 per month.


This soldier is now pensioned at the rate of $30 per month under a special act of Congress approved March 3, 1921; based upon the following report:

H. R. 6085. Miguel Archuleta, Raton, N. Mex., served during the war with Spain in Company F, First Territorial United States Volunteer Infantry, from July 5, 1898, to February 11, 1899, when honorably discharged. (L. O. 1401049.)

The record of the War Department show that he was treated during his service for lumbago, malarial fever, and influenza, and a disease not incident to service and line of duty. No disability was noted at time of enlistment aside from a fracture of left arm. Nothing was found when he was mustered out, except said disability.

He filed a claim for pension August 12, 1912, alleging disease of stomach, bowels, and urinary organs. The claim was rejected on the ground that said disability could not be connected with his military service. He was examined by a single surgeon, February 10, 1913, and found that claimant was suffering from locomotor ataxia, requiring the periodical aid and attention of another person and recommended a rate of $72 per month. He also found claimant’s stomach and bowels were diseased, and recommended a rate of $24 per month for same. Lay witnesses testify to the continuance of disease of stomach and bowels, followed by appendicitis and paralysis.

Claimant testifies that he has no property or income and is totally disabled by reason of paralysis of bowels.

Dr. James J. Schuler, testifies to the effect that claimant suffered with chills and fever soon after his discharge from the service, and on up until 1916, and that during that time he was suffering from chronic constipation of a severe type, and that appendicitis followed these conditions, and that it was found necessary to remove the appendix to relieve a number of adhesions of the bowels. He further testified that at the time of this operation there were beginning symptoms of paralysis; that the operation relieved the appendicitis, but increased the paralysis, and that he has been unable to walk for several years without assistance; that he has a dependent wife and an adopted daughter 13 years of age, and that friends have to contribute to his subsistence and welfare.

It is shown that claimant only weighs 107 pounds.

After carefully considering the evidence presented in the case, we, your committee, believe that claimant is entitled to a pension of $30 per month, and it is so recommended.

He is now 58 years of age, and witnesses state he has no property and no income except his pension.

Two claims filed by him under the act of June 5, 1920, have been rejected because of no disability independent of the effects of specific disease or syphilis. The last rejection was in August, 1926.

The soldier has locomotor ataxia and medical evidence shows that he can not walk alone.

A surgeon by whom he was examined in his last claim July 12, 1926, concluded his report as follows:

Have known claimant for over 25 years and while he has been quite a hard drinker it would hardly account for his bowel and spinal affections. The motor paralysis of the lower extremities began coincident with the bowel trouble but at the present time is not increasing. He can not stand or walk unsupported but with a person’s aid can wobble along. While it is not possible to trace his condition to any syphilitic origin the disease is so common among
the natives that at least there is a suspicion that it is a contributing factor. At all events he is totally incapacitated from doing any manual labor, and this will be his rating.

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

H. R. 14786. John D. Lindsay, Salineville, Ohio, served during certain Indian wars in Troop D, Third Regiment United States Cavalry, from December 15, 1873, to December 5, 1878, when honorably discharged. (I. W. S. Ctf. 7826.)
The soldier is pensioned at the rate of $20 per month under the Indian war pension act of March 4, 1917.
He is 72 years of age.
The evidence filed in support of the bill shows that he owns a small piece of property valued at $630, and that he has no income other than his pension.
A physician states that the claimant is wholly unable to perform any kind of manual labor by reason of malaria, chronic bronchitis, and arteriosclerosis, and that he is confined in the house and bed two-thirds of the time. Witnesses make about the same statement as the physician relative to claimant’s physical condition.
An increase of pension to the rate of $30 per month is recommended.

H. R. 14857. Cyrus M. Flick, Norton, Ind., served in Company E, Thirty-second United States Infantry, from May 17, 1913, to August 25, 1918, when honorably discharged to accept a commission, and served as second lieutenant of Infantry and second lieutenant Fifty-third Infantry from August 25, 1918, to October 30, 1919, when honorably discharged. (I. O. 152547.)
The records of the War Department show treatment in service, as follows:
August 24 to September 5, 1913, influenza, line of duty; September 18 to October 1, 1913, rheumatism, muscular, acute, lumbar muscles, bilateral, line of duty; April 28 to May 5, 1914, appendicitis, acute, catarrhal, line of duty; January 15 to 23, 1916, gastric enteritis, catarrhal, acute, line of duty; June 13 to 14, 1919, for trouble of feet following absorption of shoe polish, line of duty; November 22 to December 24, 1916, inguinal hernia, indirect, incomplete, right, line of duty; November 22, 1916, Bassini’s operation.

In October, 1925, he filed an application for pension alleging that while in the service about October 10, 1916, he had been operated upon for hernia and that he had contracted bronchitis, lung trouble, and heart failure and headaches in the service.
The claim was rejected October 26, 1926, because there was no ratable disability from the operation for the hernia nor from headaches and because he was unable to furnish evidence to connect disease of lungs, heart, and bronchitis with his service.
In his petition for special act he states that he is disabled by chronic pulmonary tuberculosis arrested, heart disease, and chronic bronchitis.
He is 35 years of age, and states that he owns 75 acres of land and some personal property, all of the value of about $3,000, and that he is indebted to a bank in the sum of about $800, and his property is mortgaged to a considerable extent.
The evidence shows that he is a carpenter and that his income from that source is about $475 per year, and evidence has been filed to the
effect that he was sound prior to his enlistment and that he has been disabled since his discharge.

A physician testifies that he treated the soldier in 1919 for chronic bronchitis and that he then showed râles over the left apex of lung, and complained of weakness.

A report from the United States Veterans' Bureau, under date of November 18, 1925, shows that the soldier was at one time in receipt of $13.50 per month compensation on account of disability due to his World War service, and that the compensation was dropped October 31, 1922, because he was no longer compensable.

In this case the records show that the soldier was treated for a right inguinal hernia and operated upon for the same while in the service, long before the United States entered the World War, and the board of surgeons by which he was examined in his pension claimed dated December 23, 1925, stated that he had been operated upon for a hernia, which was successful, but that there was tenderness over the pelvic area on the operated side, with history of pain on lifting and walking, and they rated the disability at 10 per cent.

There is also in this case some vague evidence of an indefinite character tending to show the existence of some cough prior to the World War.

In view of these facts and the long service rendered by the soldier, the committee recommends that he be granted a pension of $12 per month.

H. R. 14864. Marshall A Huffman, rural route No. 1, Poland, Ind., served during the Apache Indian campaign of 1885 and 1886, in Arizona. He enlisted in Company K, Eighth Regiment United States Infantry, September 10, 1881, and was honorably discharged September 9, 1886. (I. W. S. Ctl. 11449.)

He was pensioned at the rate of $6 per month under the general law on account of a fracture of the right fibula. In the year 1922 he was granted a pension of $20 per month under the Indian war pension act of March 4, 1917. A subsequent claim for renewal and increase under the general law was rejected January 8, 1925, on the ground that the evidence failed to show that the disability from fracture of right fibula would entitle him to a higher rate of pension than he was receiving as an Indian war soldier.

Claimant is 76 years of age.

It is shown by the evidence that he owns no property other than 140 acres of land valued at $1,000 and his annual income other than pension does not exceed $100. Claimant states that he wants to sell the land for $1,000, but is unable to find a purchaser. The secretary of the Member who introduced the bill stated that claimant's land is very poor hill land of little value.

A physician states that claimant is wholly unable to perform manual labor by reason of advanced cataracts of both eyes, rheumatism, painful piles, and urinary trouble.

In view of the claimant's age, poor physical condition, and that he was an Indian war soldier, your committee recommends that his pension be increased to $30 per month.
H. R. 14909. Avis F. Norton, 33 Central Avenue, St. George, N. Y., is the widow of Harmon J. Norton, who served as a first lieutenant in the United States Marine Corps from August 26, 1918, to September 13, 1926, when he was killed in an airplane crash at the naval air station, Anacostia, D. C. (W. C. 1554240.)

The claimant is now in receipt of a pension of $34 per month with $4 per month additional on account of a minor child of the officer under 16 years of age.

The rate of pension for widows of first lieutenants of the Marine Corps whose death was due to the service is $17 per month. However, the act of August 20, 1916, provides double pension for a widow of an officer or enlisted man or student flyer of the Navy or Marine Corps whose death was due to an accident due to flying, therefore, this pension she receives is double pension.

A bill has been introduced proposing to increase the pension to the rate of $100 per month.

The claimant is the legal widow of the marine, and was married to him on September 23, 1917.

She is 29 years of age, and is shown by the evidence to own no property and has no income other than this pension.

Witnesses also state that she receives no support from any person. Her father is dead and her mother has no income.

A number of officers state that the claimant’s husband was a noted flyer.

Rear Admiral W. A. Moffett states as follows in his letter to the claimant:

I was very sorry, indeed, to hear of the sad accident which caused the death of your husband, First Lieut. Harmon J. Norton, United States Marine Corps. Your loss is shared personally by every officer in the Bureau of Aeronautics who knew Lieutenant Norton so well and by his host of close friends throughout the Air Service of the Marine Corps, the Navy, and the Army.

Lieutenant Norton was a very brave, courageous, and fearless flyer, whose ability as an airman was unsurpassed. In addition he was an excellent executive and a brilliant organizer. His talents along this line were displayed when he was commanding officer of Squadron 6 at Pensacola, where he showed remarkable fitness for independent command. On account of his marked ability he was selected for duty with the Marine Aviation Headquarters Division in the Bureau of Aeronautics, where he was serving at the time of his death. Due to his flying ability, Lieutenant Norton had just been selected to represent the United States in the Schneider cup international high-speed seaplane classic in the coming races against Italy on October 24 next, and in his death the United States has lost one of its most valuable representatives.

Please accept, my dear Mrs. Norton, my heartfelt sympathy and the condolences of every officer and enlisted man in the naval and marine flying establishment.

The Member who introduced the bill states that the claimant is without means of support, except her pension, to support herself and minor child, and she is physically unable to participate in any earning activity. She is trying to educate herself in music, so as to be able to properly educate her son.

A physician states that the claimant’s physical condition is as follows:

Moderate peribronchial infiltration is present in each lung. At the right lung hilum there is evidence of adenopathy, with some calcification. The right apex shows more fibrosis than the left. These findings are consistent with an arrested pulmonary tuberculosis.
It is recommended that this claimant be granted a pension at the rate of $40 per month, with $4 per month additional on account of the minor child of the marine under 16 years of age, in lieu of that she is now receiving.


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

Gonorrheal epididymitis, left testicle, acute, not in line of duty; November 2 to 13, 1904, acute suppurative cellulitis of nose, exterior, cause unknown, in line of duty; February 16 to 28, 1905, dysentery, acute, due to distoma hematoxia, in line of duty; May 25 to 27, 1905, coryza, acute, in line of duty; July 30 and 31, 1905, clavus, little toe, left foot, caused by wearing tight shoe, in line of duty; August 6 to 14, 1905, diarrhea, acute, in line of duty; September 28 to October 10, 1905, recurrent chronic amebic dysentery, in line of duty. Returned to duty. No additional record of disability found.

His claim for pension under the general law, based upon dysentery and resulting stomach trouble contracted in the service, was abandoned because he could not furnish satisfactory evidence showing continuance of said disabilities since discharge.

Official medical examination of January 14, 1914, showed considerable stomach and bowel trouble. It is as follows:

Dysentery: Stomach and bowels swollen and tender, liver extent from sixth intercostal, to margin of ribs. Liver not enlarged but tender. Claimant states that he has trouble with his bowels quite often, of a dysenteric nature, and that he has spells with his bowels, about every two weeks, and during the attacks he has quite a degree of pain. Further examination shows the mucous membrane of rectum inflamed, and small ulcerations of same. Claims the digestions at times causes quite a degree of discomfort. We rate on dysentery or disease of bowels 10/18.

In his pension case the soldier filed an affidavit of a doctor stating that he treated claimant during the years 1907, 1908, and 1909 for chronic dysentery and stomach trouble.

Claimant's mother stated that she lived near him in the year 1906, and that he has suffered with the same ever since.

Dr. L. W. Minick makes the following statement:

I treated above applicant on different occasions from December 29, 1905, to present time, and found him suffering from chronic dysentery. Had to resort at times to opiates to stop pain. He would get better, and then in short time he would have another attack. Passed large bloody mucous stools, and suffered severe pain and straining. Lost control of bowels at various times and then would get constipated. Has many weak attacks. Had kidney infection at times. Liver and spleen enlarged. Tongue broad and flabby. Very little appetite. Still has alternate constipation and diarrhea. In 1923 he lost sight of both eyes and right hand and loss of hearing. Requires the constant attendance of a second party in dressing and undressing and taking his food and attending to calls of nature. Said applicant is totally disabled from said diseases, and in no way are said disabilities made worse by any vicious habits; and in my estimation is entitled to a pension of $100 per month. Contracted dysentery in Army in 1904.

Witnesses state that the soldier is a man of good habits.
Claimant is 44 years of age. He owns no property, and has no income other than $83 per month compensation that he receives from a mine company on account of the loss of both of his eyes in a mine explosion. He states he has a father 80 years old and a mother aged 67 years to support.

In view of the record of treatment in service for diarrhea and chronic amoebic dysentery and of the evidence above cited and that claimant now has this trouble to some extent, and in addition is totally blind, your committee recommends that he be granted a pension of $12 per month. A person with amoebic dysentery seldom ever recovers from the same.

H. R. 14944. Margaret Surratt, 1108 Mound Street, Alameda, Calif., is the widow of Lawrence Surratt, who served in Troop C, Fourth Regiment United States Cavalry, from August 9, 1879, to August 8, 1884, when honorably discharged. (W. Cft. 476119.)

The claimant was married to the soldier July 3, 1887, and he died August 5, 1896. The soldier's death has been accepted as due to his service, and the widow is now pensioned at the rate of $12 per month.

She is 70 years of age, owns no real estate, but has $1,500 worth of gas and electric stock, from which she receives about $8 per month.

She lives with a daughter, and medical evidence shows that she is suffering with paralysis due to a stroke of apoplexy and that recovery is doubtful.

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

H. R. 14975. The claimant was granted a pension of $12 per month by a special act of Congress approved December 8, 1924; said action being based upon the following report:

H. R. 7632. Martin A. Hellwig, 1837 Highland Avenue, Burlington, Iowa, served during the war with Spain as quartermaster sergeant in the Sixth Battery Iowa Light Artillery from June 24 to September 5, 1898, a period of 74 days, when honorably discharged. (Inv. Orig. 1431217.)

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

Soldier filed a claim for pension March 28, 1919, alleging that while in service he had contracted hemorrhoids and an unsuccessful operation followed which developed into locomotor ataxia. The claim was rejected in October, 1923, on the ground that there was no record in the War Department of hemorrhoids and no medical or other satisfactory evidence showing origin thereof in the service and existence at discharge, and the evidence furnished did not connect disability with service, with a statement that the operation was performed several years after discharge, which it was alleged was followed by locomotor ataxia.

From the soldier's statement in an affidavit on file, it appears the operation was about 1910, and that about 1916 the doctors made a diagnosis of locomotor ataxia.

At discharge soldier stated that he did not have any disability or impairment of health incurred in service or otherwise, and a surgeon who examined him certified he found no disability.

Two comrades testified that claimant contracted hemorrhoids in service. Two witnesses testified to existence of such disability after discharge.

Dr. J. W. Dixon testified as follows:

This is to certify that on February 26, 1906, I operated on Martin A. Hellwig at the Burlington Hospital, Burlington, Iowa, for one of the worst cases of hemorrhoids I have ever seen. I had given palliative treatment for some years. He is now unable to do any work on account of locomotor ataxia.

July 22, 1919.

J. W. DIXON.
Dr. George H. Steinle testified as follows:

To whom it may concern:

This is to certify that I have examined Martin A. Hellwig, of 1837 Highland Avenue, Burlington, Iowa. Mr. Hellwig's condition is one of tabes dorsalis, with the implication of the posterior column quite profound as evidenced by the marked ataxia. Mr. Hellwig was operated for hemorrhoids some years ago, and since that time has had incontinence of feces.

Mr. Hellwig was examined in St. Louis, Mo., by Dr. C. G. Chaddock, who confirmed the diagnosis of tabes dorsalis. At that time a Wassermann blood test showed a 4-plus reaction.

Under constant treatment for the past year, Mr. Hellwig's condition has evidently been "stayed," but he is in no way able to continue with his regular routine of maintaining a living.

July 22, 1919.

GEORGE H. STEINLE, M. D.

A board of surgeons examined claimant August 20, 1919, and reported as follows:

Age, 45 years; height, 5 feet 7 inches; weight, 150 pounds; pulse rate, 78-102-120; respiration, 22-27-30; temperature, 98.

General appearance good; hands, small callous when com. rests; lungs, O. K.; heart normal; eyes react to both light and accommodation; Romberg's sign present; patella reflexes absent; reflexes of upper extremity present; feeling of constriction around abdomen; walks with difficulty by aid of cane; can not walk without cane; describes feeling of soles while walking as if he were stepping on air bags. Rectum: Small scars both right and left side from former operation; two pedunculated internal, protruding piles, size of hazelnuts; two external piles; sphincter ani hypertrophied; no stricture, fistula nor fissure. Arteries, skin, hair, bones, mucous surface, and glandular system normal. No evidence of specific disease; muscles of calf flabby. Urine, S. G. 1030; no sugar, no albumen. No vicious habits.

This claimant is so disabled from paresis of lower extremities as to incapacitate him for performing any manual labor, and is entitled to $30 per month.

Since rejection of claim another affidavit of Doctor Steinle has been filed, stating as follows:

That he is a practicing physician, and has been acquainted with the above-named claimant for 20 years. Have observed applicant since discharge from service. My knowledge from examinations and observation date five years back from present time. The applicant has some spinal cord disease. Wassermann's and spinal fluid examinations have been negative. The clinical picture resembles that of tabes dorsalis, although the physical signs are not typical. Examinations at the Mayo clinic and by neurologists in St. Louis differ. Antisyphilitic treatment early did not prove beneficial. The applicant does not appear any different to-day than he did five years ago. There is no history of a primary lesion. Wife living and well. Two boys living and well. No miscarriage. Spinal fluid cell count, gold test and Wassermann have repeatedly been negative. Hemorrhoids, been operated, results bad. No sphincteric control. Diagnosis: Degeneration of posterior columns of spinal cord, lumbar region. Loss of sphincteric control. Vesicle sphincter normal.

The medical referee stated in his slip of October 23, 1919, that a ratable degree of disability was shown from disease of rectum.

Claimant states he is 49 years of age, and has a house and lot worth $1,400 and that he has no income and is dependent upon his sons, and witnesses corroborate his statement as to property and income.

Dr. George H. Steinle again testifies substantially as before as to claimant's condition.

The committee recommends a pension of $12 per month on account of his service during the war with Spain and the fact that he is to
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some extent disabled by hemorrhoids evidently not due to vicious habits.

Claimant is now about 52 years of age.

He has no income other than his pension and an undivided interest in his home now valued at $1,500.

A physician states that claimant is wholly unable to work and is practically confined to his home. His condition can only be described as locomotor ataxia.

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

H. R. 14976. James P. Stucker, New London, Iowa, served during the war with Spain from June 24, 1898, to September 5, 1898, in the Sixth Battery Iowa Light Artillery when his regiment was mustered out with company. (Inv. Orig. 1490370.)

He has no disabilities shown due to his military service, and his claim for pension under the Spanish War pension act of June 5, 1920, was rejected on the ground of insufficient service. He rendered 74 days of service.

Claimant is 51 years of age, and owns 100 acres of land valued at $45 per acre, and his income is about $900 per year.

Witnesses state that there is a mortgage of $3,000 against his farm, and he has personal debts amounting to $1,300, and has seven children ranging in age from 4 to 20 years to support.

A physician states that the soldier can perform but one-fourth of the work he used to; that he is suffering with heart trouble which causes heaviness in chest, dizziness, inability to walk fast, or to step up without getting dizzy; that he can not rise from a chair without becoming dizzy, or drive his car; can not sleep on his back or left side, and often has to rise in order to get his breath; that any work puts him in a bad way, increasing the pressure on his chest, and causing him to puff and blow. This doctor states that the claimant is unable to do any manual labor on the farm, and that his poor physical condition has been on the increase all the time until he can now do but one-fourth of the work he used to do.

Witnesses state that the claimant is unable to perform a full day's work, and he is between one-half and three-fourths disabled, they think, by reason of hardening of the arteries.

The committee recommends a pension of $15 per month.

H. R. 15054. George I. Luce, box 425, Marion, Mass., served during the war with Spain, as a lieutenant of the junior grade in the United States Navy, from July 23 to September 2, 1898, when honorably discharged. (I. O. 1463242.)

He was appointed it appears for temporary service and executed the oath of office on the 23d of July, 1898. There is, however, on file in the pension case a communication from the Bureau of Navigation, Navy Department, containing the following statement: "The date of May 18, 1898, was given this officer for the purpose of rank, but he actually became an officer in the Navy on the date he executed his oath of office, namely, July 23, 1898." However, it appears that this officer was serving in a civilian capacity on the St. Louis, which vessel was under the control of the Navy Department, and as shown by the copy of the letter inclosed from Captain Goodrich, command-
ing this vessel on May 18, 1898, was engaged in active operation against the enemy.

It would thus appear that the claimant was practically serving in the Navy from May 18 to September 2, 1898, a period of more than 90 days.

He is 64 years of age, has an equity in a house and lot worth about $2,700, and his income is about $500 per year, and evidence of neighbors shows that he is able to do some light work.

A physician testifies to treating the claimant for the grippe and bronchitis since 1923, and that for the last year he has complained of fatiguing easily after manual work, but no gross physical defects have been observed, and that he had asthenia, which he contributed to old age. The physician stated that at the present time (December 5, 1926) the claimant was in good health, but still complained of tiring easily on exertion.

The committee recommends that he be granted a pension at the rate of $20 per month, the rate allowed under act May 1, 1926, for age 62.

H. R. 15065. Edward D. Warner, South Webster, Ohio, served in the United States Navy from April 8, to November 18, 1909, when honorably discharged for disability from scald of feet from escaping steam in line of duty. (I. C. 41832.)

He is now pensioned at $12 per month for scald of both feet and ankles and left leg above the ankle, his pension having been increased recently from $8 per month.

He is 42 years of age; has a wife and one child, and owns only a small amount of personal property worth about $300. A physician testifies that he requires continual treatment for disability resulting from scalds and that he is totally disabled in the left foot and ankle and partially in the right.

The board that examined him October 6, 1926, stated that they thought he was fully one half disabled from pensioned cause.

He is a dentist and his income is about $1,200 per annum, but he states he has to pay for treatment from this income.

Increase to $17 per month is recommended.

H. R. 15074. Mary Fenske, Fairfax, Minn., served as a nurse and cook at Fort Ridgely, Minn., during the Indian troubles in Minnesota of 1862.

She of course, has no title under any existing Federal pension laws.

Mrs. Fenske states that she was a nurse in the Indian outbreak at Fort Ridgely August 18, 1862; that she served in the hospital three months; also as a guard at the commissary and caught an Indian woman spy, and that during the scuffle she was hurt and later lost her hearing.

Upon the following showing she was granted a State Indian war pension of $12 per month:

Replying to yours of December 6, 1926, wish to advise that Mary Penske is on the State Indian War pension rolls and receives a State pension at the rate of $12 per month under State Pension certificate No. 171.

Mary Fenske's State Indian war pension claim which was based on efficient aid rendered by her at Fort Ridgely, Minn., as nurse and cook, was approved November 30, 1907, by Fred B. Wood, who was at that date adjutant general of the State of Minnesota. This claim was approved under chapter 315
General Laws of Minnesota for the year 1905, which grants a State pension of not more than $12 per month to any and all citizens of the State of Minnesota, not drawing relief by pension from the United States or State of Minnesota, who rendered active service, bore arms, or otherwise rendered efficient aid, and suffered any disabilities in the Indian massacre of 1862, from August 15 to September 15, 1862.

Mary Fenske claimed that on or about the 20th day of August, 1862, she assisted in the hospital at Fort Ridgely, Minn., under post surgeon, Doctor Muller, attending the sick and wounded, assisted in operations, and cooking for the sick and wounded, that she engaged in a hand to hand fight with an Indian squaw who tried to get through the lines to the Indians with a note giving the number of soldiers in the fort, this Indian squaw was caught by Col. T. J. Sheehan and placed in the said Mary Fenske's charge; that on account of the above Mary Fenske was so exhausted and frightened that she became very nervous and received an acute pain in her chest near her heart from which she has never recovered. The affidavit of Colonel Sheehan and other persons were filed as proof of her service by the said Mary Fenske.

E. A. Walsh,
Acting Adjutant General of Minnesota.

The claimant is 80 years of age, and owns a house and lot valued at $3,000, and has no income other than her State pension.

The committee recommends a pension of $12 per month.

H. R. 15134. Lillie Flaherty, 2908 Fairmont Street, Jackson, Mo., is the widow of William Flaherty, who served in the Regular Establishment in Company F, Nineteenth Regiment United States Infantry, from November 7, 1871, to August 31, 1881, when honorably discharged. Soldier also had prior service in Company G, Twenty-eighth, and Company G, Nineteenth Regiment, United States Infantry, from February 15, 1867, to February 15, 1870, when honorably discharged. (Wid. Ctf. 388275.)

The claimant was married to the soldier August 25, 1869, and he died February 10, 1892, and she is now pensioned as his widow at the rate of $12 per month, his death having been accepted by the Pension Bureau as due to his military service.

The claimant is 73 years of age, and has no property and no income except her pension. Medical evidence shows that she has heart and bladder trouble, impaired sight, and general debility, and that she can walk only a short distance at a time.

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

H. R. 15162. Sarah C. Hogg, Nessen City, Mich., is the dependent mother of John A. Caldwell, who served during the Philippine insurrection as a private in the Tenth Company, United States Coast Artillery, from October 10, 1901, to July 10, 1903, when he died of gunshot wound accidentally inflicted by a comrade. (Mother's Cert. 962975.)

The claimant is now pensioned under the general law at the rate of $12 per month.

She is 65 years of age, and owns a poor farm valued at $1,500. She has no income other than her pension, and it is clearly shown that the income from the farm does no more than pay taxes. In fact, the witnesses state that it does not pay taxes. This claimant's
poor financial condition is shown in her pension case as well as in the
evidence filed with the bill. No relative contributes to her support.

A physician states that she is unable to earn a living, by reason of
varicose veins (unable to stand on legs for any length of time), and
shortness of breath.

The act of September 1, 1922, grants $20 per month to dependent
mothers of soldiers whose death was due to service during the Philip-
pine insurrection. However, this claimant's son served during the
Philippine insurrection, but did not die in the service until after-
wards. He was not in the Philippines until January 31, 1903.

Claimant remarried after the death of the soldier's father. How-
ever, this last husband is old, unable to support her, and has deserted
her.

It is recommended that she be granted an increase of pension at
the rate of $20 per month.

H. R. 15166. Melville M. Gordon, Seward, Nebr. This soldier is
now pensioned at $12 per month under a special act approved Sep-
tember 22, 1922, which was based upon the following report:

H. R. 5654. Melville M. Gordon, Arcadia, Nebr., served during the war with
Spain in Company H, Third Nebraska Infantry, from June 28 to September 5,
1898, when honorably discharged. (Cf. 1153.751.)

The soldier was discharged from the service on a surgeon's certificate of
disability by reason of lack of physical development.

He is pensioned at the rate of $6 per month for chronic diarrhea contracted
in service and line of duty.

When he was last examined by a board of surgeons in 1916 he was rated $4
per month for diarrhea and disease of rectum and $6 for neuritis. His applica-
cation for increase was rejected on the report of said board of surgeons. A
board who examined him in 1908 recommended $10 per month for diarrhea and
disease of stomach.

He filed a claim for pension under the act of June 5, 1920. It was rejected,
without medical examination, on the ground that he did not have 90 days' service.

With bill for increase of pension by special act he files his sworn statement
to the effect that he is about 44 years of age, that he owns property valued at
$1,000, and has no income except from his labor, and is wholly unable to per-
form manual labor by reason of diarrhea, rheumatism, and fracture of left hip.

Lay witnesses verify his statement as to property and income.

A physician testifies that the claimant has been disabled one half for the
performance of manual labor since 1916.

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

A claim under the act of May 1, 1926, was rejected in June, 1926,
because he had less than 90 days' service and was not discharged for
disability due to service.

He is 48 years of age and owns no property, and he has an income
of about $350 per year. He is a musician and a printer.

Medical and other evidence shows that he is very much disabled
by the fracture of his left hip, which was incurred since the service,
and that he can not endure much walking or follow his trade as a
printer and has had to have the attendance of another person at
times. He is unable to walk without crutches.

Soldier had but 70 days' service and has had the benefit of one
special act.

The committee recommends an increase of pension to $17 per
month.
H. R. 15188. William H. H. Peel, Daggett, Calif., served in Capt. A. H. Cox's Company B, Texas Frontier Forces, in the defense against Indian depredations from September 8, 1870, to May 30, 1871, when honorably discharged. (I. W. S. Ctf. 9942.) He is now pensioned under the Indian war pension act of March 4, 1917, at the rate of $20 per month.

He is 76 years of age and has no property and no income but his pension, and medical evidence shows that he is suffering from chronic bronchitis and intestinal indigestion, and that he is unable to make his living by manual labor.

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

H. R. 15191. Leo Pope Ott. After having failed to procure a pension in the Pension Office, the claimant was granted a pension of $30 per month by a special act of Congress approved June 17, 1926, which was based upon the following report:

H. R. 5399. Leo Pope Ott, 266 Cooper Street, Atlanta, Ga., served in the Regular Establishment in the United States Navy from October 21, 1922, to November 9, 1923, when honorably discharged on account of physical disability. (Inv. Orig. 1491298.)

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

"Sick quarters, naval training station, Hampton Roads, Va.—November 27, 1922: Admitted with 'rheumatism, muscular.' Origin, in line of duty. Not due to misconduct. December 6, 1922: Transferred to United States Naval Hospital, Norfolk, Va., for further treatment. United States Naval Hospital, Norfolk, Va.—December 6, 1922: Admitted with 'rheumatism, muscular.' Origin, in line of duty. Incident to the service conditions. December 15, 1922: Diagnosis changed to 'intracranial injury.' Origin, in the line of duty. Transferred to ward 7. Ward 7, December 15, 1922: Complains of pain in right parietal region and in right eye, also of fainting spells and dizziness at intervals while walking.

United States board of medical survey of May 10, 1923, states: Diagnosis, intracranial injury; origin, in the line of duty; disability, not result of own misconduct.

"Facts: While on duty at the naval training station, Hampton Roads, Va., patient received blow upon the head that resulted in unconsciousness. Upon admission to this hospital chief complaint was 'fainting spells.' Examination showed inequality of pupils with congested eye grounds. Spinal puncture shows marked increase in pressure, with increased sell count, and weakly positive Wassermann.

"Recommendation: That he be retained in this hospital for further treatment.

"June 1, 1923: Some improvement noted. August 7, 1923: Recommended to go before board of medical survey for disposition.

"Board of medical survey of August 8, 1923, states: Diagnosis, intracranial injury. Origin, in the line of duty. Disability, not result of own misconduct.

"Facts are as follows: Admitted to hospital December 6, 1922. While on duty at naval training station, Hampton Roads, Va., patient received a blow from a club upon the head, which resulted in immediate unconsciousness. Upon admission, his chief complaint was fainting spells. Examination showed inequality of pupils with congested eye grounds. Spinal puncture showed marked pressure increase, with increased cell count. Noguchi test of fluid was weakly positive. Patient also complained of severe parietal headache. Examination revealed scar over right parietal bone, but no other pathology was discernible. Under treatment patient has improved considerably. Attacks are now much milder in degree and of much less frequency. He now has an aura before they occur and is losing fear of them. He is up and about hospital grounds each day. It is believed he will be of no further use in the naval service. Hospital treatment not considered necessary. Present condition, unfit for service. Probable future duration, indefinite.

"Recommendation: That he be discharged from the United States naval service. Enlisted subsequent to February 9, 1922, and therefore does not come within the purview of the United States Veterans' Bureau. November 9, 1923:
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Invalided from service by approval of the recommendation of board of medical survey. No physical defects noted at enlistment.

His claim for pension was rejected July 2, 1924, on the ground that the alleged injury of head was not incurred in the line of duty, as shown by the evidence.

It appears from a consideration of all the evidence that claimant, on November 27, 1922, while putting his "sea bag" into shape was ordered by his superior in command to clean up the room. He refused to comply with the order at once, and wanted to wait until after he had finished with his "sea bag." He called the officer a name for stating that he (the officer) would report him. Arguments followed resulting in the claimant first striking the officer with a broom and the officer afterwards striking the claimant on the head with part of a broom handle. This injury to the claimant's head evidently caused his present poor physical condition. The claimant was sent to the hospital upon receiving this injury, and, curiously, medical record was made "rheumatism, in the line of duty," and diagnosis changed December 15, 1924, to "intracranial injury, origin in the line of duty."

One year after the injury, or on November 1, 1923, a general court-martial was held in the case of Ray Williams, charged as being the one who hit the claimant on the head. He was acquitted of the charge. The claimant, Ray Williams, Lieut. Commander L. M. Schmidt, attached to the United States Naval Hospital, and one witness were examined. In brief their statements before the court were as follows:

"Claimant:"
"On that date I was fixing my bag for inspection, and as I was fixing it Williams told me to sweep out from under the table. I told him I would as quick as I got through with the sea bag. He said, 'I didn't tell you to wait until you got through with the sea bag—I told you to do it now.' And so he says, 'I'll put you on report.' I says, 'Be a pimp and put me on report.' He said, 'Do you mean to call me a pimp?' I says, 'No: I didn't call you a pimp.' I said, 'Be one and put me on report.' And he kept on arguing and arguing. And I said, 'Go to ———.' And I don't know whether he hit me for calling him a pimp or telling him to go to ———, but that is the last I remember, sir. The next thing I remember when I woke up I had smelling salts under my nose. That is the last thing I remember when I woke up."

"Lieutenant Commander SCHMIDT:"
"Do you mean that this blow on the head started his condition, or that some other condition previous to this was accountable for it?"
"I have to answer that by explaining. Up to the time he received the blow there is no evidence that he had any fainting spells. Since receiving the blow he has had fainting spells. An examination of Ott's spinal fluid has syphilitic suggestions, which may have an element of hereditary syphilis. It is, in any case, chronic meningitis, whether or not of the syphilitic origin. It is impossible to say that the blow on the head caused this change in the meninges."
"It is your opinion, though Doctor, that Ott received, some time in the past, a very severe and damaging blow on the head?"
"He received a blow on the head sufficient to cause a scalp wound. Whether it was a developed injury or not, I can not say. It appears that it was sufficient to cause unconsciousness. The extent of the damage can not be measured. I might add to that, for the information of the court, many cases of a similar nature show no after effects such as Ott has had."
"How large was this wound when you first saw it?"
"The red scar was little over an inch long.

"Corliss H. McKenney:"
"Where were you on or about November 27, 1922?"
"I was coming through the training station out here in 'X.'"
"Did you see the accused on that date?"
"Yes, sir.
"Did anything irregular occur on that date?"
"Yes, sir.

"State fully what happened."
"Well, Williams was the bungalow captain, and he told Ott to clean up something—some water or something; and Ott told him he was not going to do it, and he started out the room. When he got to the door he told Williams he was 'nothing but a ——— pimp.' So Ott goes out, and returns in about 15 or 20 minutes, and he picks up a broom as he gets in the bungalow. And
Williams walks up to him and asked him did he mean what he called him, or whether he was just fooling. Ott says, ‘I mean it. I don’t intend to take it back.’ And sooner than he said it he struck at Williams with the broom and struck him on the left shoulder, and then Williams hit him.

“What part of the broom did Ott strike at Williams?”

“The wooden end.”

“Handle?”

“Yes, sir.”

“In what manner did the accused address Ott when he ordered him to sweep out the room?”

“In a nice way.”

“Did the accused use any threatening or abusive language, or assume any threatening attitude toward Ott before Ott struck him with the broom?”

“No, sir; he did not.”

“Who struck the first blow?”

“Ott.”

“With what did the accused strike Ott?”

“He struck him over the left eye—up in here [indicating].”

“What did he strike him with?”

“Piece of a broom handle, something like a foot long.”

“Ray Williams (accused):”

“Well, sir, being bungalow captain, I had charge of the bungalow and all the men sleeping in there—everything. I gave this fellow Ott an order to swab down the deck, and he started giving me an argument; and I told him to go ahead and swab down, and he told me to go to —. And I told him I was going to put him on report, and he called me ‘a — — pimp.’ As he started out of the bungalow he called me that, and a broom was standing up at the end of the table.”

“Lieutenant Commander Schmidt:”

Witnesses state that it is not safe for claimant to be on the street, as he is subject to falls and is entirely unable to work.

The soldier has just been operated upon and the success of this operation remains to be seen. However, one with a celluloid plate in his skull will never be able to perform the labor of a healthy man.

The statement of Representative Upshaw of January 16, 1925, relative to the claimant is as follows:

“I personally visited this unfortunate young man twice in the United States Veterans’ Hospital No. 48, Atlanta, Ga., where he is now receiving treatment. His physical condition is pitiful. He has to be held in the rolling chair (which he occupies all the time while not in bed) by a strap in front of him in order to keep him from pitching forward on account of the effect of his fractured skull upon his brain and will power.

“The outstanding facts in his case are these: Leo Pope Ott was a healthy, vigorous youth of good habits before he joined the Navy, being a regular attendant, as neighbors testify, of Sunday school and church, and saving his money. As a result of stay in the Navy he is now ruined for life. The simple incident of a misunderstanding with a petty officer of the day (a bungalow captain) is not unusual for sailors thus surrounded. The official reports show that he received his injury in line of duty, and I feel that since he was a young man of good health and habits before entering the Navy and he has been sent back to his poor old mother ruined for life, $30 a month is certainly little enough to be given him in his helpless condition and his mother’s great distress.”

A pension of $30 per month is recommended by the committee.

A bill has now been introduced proposing to increase his pension by another special act to $50 per month. Affidavits of several witnesses, including a doctor’s statement, have been filed to the effect that the sailor’s physical condition has become worse since he was granted the pension of $30 per month. Dr. Virgil C. Cooke states that he has been attending the claimant of the past year and considers his condition gradually growing worse and believes his case to be hopeless. Another witness states that he has gradually lost weight in the past six months, and if he tries to walk or exercise or go to church it creates a condition that causes him to collapse; that
the muscles around his eyes contract and that his eyes begin rolling back into his head, and looses complete control of himself in both mind and body.

The committee recommends an increase of pension to $40 per month.

H. R. 15201. Amanda Lawrence, 407 North Center Street, San Antonio, Tex., is the widow of James Lawrence, who served in Company D, Twenty-fourth Regiment United States Infantry, from November 19, 1870, to November 19, 1875, when he was honorably discharged. (I. W. W. Orig.: 16054.)

The soldier deserted in 1872, however, was apprehended, and served a sentence for desertion, and on December 2, 1872, was returned to duty, and served faithfully from that time until he was discharged as a corporal. He was never granted a pension.

He alleged that while in the service he was wounded with an arrow, but his claim was rejected on the ground of no ratable degree of disability from the alleged Indian arrow wound.

The widow's claim under the Indian war pension act of March 4, 1917, was rejected on the ground that the soldier did not participate in any of the Indian wars or campaigns covered by the provisions of that act.

The Adjutant General, however, furnished this committee with a report relative to the Indian war service of the soldier, which in part is as follows:

From January 15, 1871, until the date of his discharge the soldier was stationed in Texas, successively at Forts McKavett, McIntosh, and Duncan, and was in the field on a scouting expedition west of Fort Griffin and at the head of Double Mountain Fork between July and October, 1875, and later at Fort Duncan and Laguna Sabina.

Nothing has been found of record to show that this soldier served in any of the Indian wars or campaigns named in the act of March 4, 1917. However, the scouting expedition with which he served from July, 1875, to the date of his discharge was against hostile Indians, and on this expedition he served for over 30 days.

Claimant is 73 years of age, and she was married to the soldier, as shown by a certified copy of the public record, April 8, 1876, and lived with him until his death, as shown by the evidence, on June 26, 1904, and is now his widow.

The soldier was never married. However, the claimant was first married to Jerry Hall, whom it is alleged died about a year before she married the soldier.

It is shown by the evidence on file in the pension case that she owns her own home, valued at $2,500, and that her only annual income is about $300 from roomers.

A physician states that the claimant is wholly incapacitated from performing manual labor by reason of chronic arthritis and advanced age, and that the muscles of her legs are so contracted that she is compelled to use a crutch or stick in order to move about in her home. Witnesses state that the claimant has had rheumatism for the past 10 years and is now hardly able to walk about and is wholly incapacitated from performing any physical labor. Another witness states that the claimant's condition is due to rheumatism and result of exposure of washing and ironing in order to pay for her home, and that she can work no more, and there is a lien against her house for repairs that she had to have done.
In view of the statement of The Adjutant General, of the War Department, that the soldier rendered over 30 days' active service against hostile Indians, it is believed that this old colored woman should be granted an Indian-war pension of $12 per month.

H. R. 15218. Eva F. Pinkney, 910 Godwin Street, Portsmouth, Va., is the widow of James Pinkney, who served in the Regular Establishment in the United States Navy, under sundry enlistments as landsman or mess attendant, from May 28, 1885, almost continuously to February 15, 1898, when he lost his life in the blowing up of the U. S. S. Maine. (Navy Wid. Ctf. 17060.)

The claimant has been drawing a pension of $12 per month, the maximum rate allowed by law, as his widow since February 15, 1898. She has no title to pension under the Spanish War pension act for the reason that the war with Spain began April 21, 1898, and the Maine was blown up February 15, 1898. However, the soldier's service was incident to the war with Spain.

The claimant is 53 years of age, and it is shown by the evidence that she owns no property and has no income other than her pension.

A physician states that in 1921, she was suffering with an attack of facial paralysis which still exists, and is at the present time recovering from an ailment which threaten another attack, and her condition is such as to unfit her for manual labor.

Widows of Spanish War soldiers now receive a pension of $30 per month, and the committee recommends that her pension be increased to $30 per month.

H. R. 15238. Augustus St. Valentine Patten, Oglethorpe, Ga., is the helpless and dependent child of William F. Patten, who served during the war with Spain in Company F, Forty-second United States Volunteer Infantry, from June 9, 1898, to May 2, 1899, and from September 27, 1899, to March 10, 1900. He also served during a part of this time in Company B, Third Regiment United States Volunteer Infantry. (Minor certificate 1245862.)

The mother of this child, to whom the soldier was married November 8, 1900, died September 26, 1918, and the soldier died March 6, 1923.

On March 29, 1926, an application was filed in the Pension Bureau in behalf of two minor children of the soldier under 16 years of age—Dallas, born September 20, 1913, and Inez, born July 25, 1918. The claim for these two minor children has been allowed by the Pension Bureau at the rate of $30 per month and $6 additional for each of the children named. This pension is being paid to two different guardians, as the children are being taken care of by different parties.

This claimant under existing law has not title to any part of the pension above cited for the reason that he was over 16 years of age at the date of filing the application. However, it is apparent that he is helpless. This claimant is now 17 years of age and shown to be the child of the soldier, having been born on February 14, 1909.

It is shown by the evidence that he owns no property and has no income, but is being taken care of by a sister of the soldier, Mrs. J. A. Adams, who sends him to school and provides for his wants.

It is claimed by the claimant and his witnesses that he has been helpless and dependent since 2 years old, the result of a fall.
Mrs. W. A. Rook, another relative of this child, states that the child is helpless and has been since 2 years of age from an injury; that it is very clumsy, gait uncertain, and can only follow very light employment such as assisting another boy in delivering papers, splitting and carrying in wood, but that he can do no heavy work and has no one legally bound to support him; that his helplessness is more physical than mental, he having the average intelligence of a child of his age; that his physical health does not improve but seems to grow worse.

A physician states under oath that the applicant is wholly unfitted for self-support, requires the constant aid and attendance of another person, and that his condition is progressive, becoming permanent; that he has a spinal cord degenerating, causing inability to work hip joints, making locomotion very difficult, and at times perfectly stiff, which causes him to fall in attempting to walk, and that such condition was caused by a fall when about 2 years of age. In an unsworn statement the same doctor states that the claimant’s condition is due to hereditary influences, and that he has a normal body and abdominal organs but indications of pressure upon spinal cord rendering him unable to walk without considerable effort, bordering on a slight locomotor ataxia.

It is recommended that the claimant be granted a pension of $20 per month separate and apart from the pension paid to the minor children now on the pension roll. Pension to be paid to a guardian if desired by the Commissioner of Pensions.

H. R. 15244. Willie Brown, South Hill, Ky. This soldier is now pensioned at the rate of $12 per month under a special act approved September 22, 1922, based upon the following report:


He is pensioned at the rate of $6 per month for disease of left testicle, result of mumps. The claimant has not had a medical examination since October 4, 1911, at which time his left testicle was found to be about one-half the size of its fellow, and he was rated $5 per month for same.

He was also rated $5 per month for disease of heart.

He has made several efforts to have his pension increased, but the Bureau of Pensions would not even grant another examination by a board of surgeons, deeming the evidence insufficient to warrant the cost of an examination, as it was not shown that his disability had increased since original allowance.

Medical evidence was filed showing that soldier’s left testicle and spermatic cord were very tender and caused shooting pains in back and kidneys. It appears that soldier was treated in the service 33 days for mumps and that disease of left testicle resulted.

The evidence filed with the bill shows that claimant is 49 years of age, owns no property, and has no income except from his labor. A physician testifies that he is one-third disabled for manual labor by reason of his pensioned disability. An increase of pension to $12 per month is recommended.

He is now 55 years of age, has a wife, and in 1921 had two children who, if still living, are under 16 years of age; has no real estate and only a small amount of personal property, and witnesses state his only income is his pension.

Several claims for increase have been rejected, a medical examination being denied. Witnesses state he is about two-third disabled.

A physician testifies that he has malaria, heart and kidney disease, and other troubles, and rates disability at one-half. As to the testicle he states as follows: “Now has chronic atrophied tender left testicle.”
An increase of pension to the rate of $17 per month is recommended.


The 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 February 24, 1882, and he died February 21, 1923.

Your applicant is 72 years of age, owns no property except four unimproved lots valued at $200, and she and her witnesses state that these lots are practically valueless. The claimant has no income other than her pension of $12 per month, and lives with her son, who is a poor man with a family to support.

A physician states that the claimant is wholly unable to earn a support and is unfit to live alone; that he is afflicted with heart trouble, arteriosclerosis, constipation, chronic indigestion, and trouble with her ankles.

It is recommended that she be granted an increase of pension to $20 per month.

H. R. 15293. Malissa McNulty, North Vernon, Ind., is the widow of James E. P. McNulty, who served during certain Indian wars in Company C, Twelfth Regiment United States Infantry, from July 8, 1890, to August 8, 1894, when honorably discharged, and also served in the Regular Army from April 8, 1875, to July 7, 1890. (I. W. W. Ctf. 10557.)

The soldier was pensioned at the rate of $40 per month for the loss of his left foot and injury of right ankle incurred in the service.

He died October 24, 1921, and the claimant, to whom he was married December 23, 1898, is now pensioned at the rate of $12 per month under the Indian war pension act of March 4, 1917.

She is 59 years of age, owns no real estate and only a small amount of personal property, and her income from all sources is about $300 per year. Medical evidence shows that she has defective sight, disease of heart and kidneys, and other troubles, and that she does not and can not work steadily.

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

H. R. 15294. Patrick Boland, 726 O Street, Sacramento, Calif., served during certain Indian wars as a hospital steward, United States Army, from November 6, 1888, to November 5, 1893, when he was honorably discharged. (I. W. S. Ctf. 8863.)

This soldier served in the Regular Army almost continuously from November 15, 1867, to November 5, 1893.

Claims for pension under the general law were rejected many years ago. The claimant is now pensioned at the rate of $20 per month under the Indian war pension act of March 4, 1917.

He is 81 years of age, has no property and no income except his pension, and medical evidence shows that from disability due to age and other causes he is wholly disabled for manual labor.
The committee recommends that he be granted an increase of pension to the rate of $30 per month.

H. R. 15309. Annie P. Boyles, rural route No. 3, Altoona, Pa., is the widow of John E. Boyles, who served during certain Indian wars in Company K, Fifth Regiment United States Infantry, from May 19, 1875, to May 18, 1880, when honorably discharged. He also had prior service in the Regular Army from April 23, 1870, to April 23, 1875, and subsequent service from June 24, 1880, to June 23, 1890. (I. W. W. Ctf. 9963.)

The 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 November 16, 1880, and he died September 11, 1919.

She is 64 years of age, owns her home worth about $1,700, and no income except her pension, and witnesses state she has no children able to contribute to her support.

A physician testifies that June 21, 1926, she was operated on for a hernia and that September 14, 1926, her hand was badly mangled in an electric washer, rendering her almost helpless.

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

H. R. 15311. George Sokoloff, San Rafael, Calif., served in the United States Navy from March 3, 1885, to December 14, 1886, when honorably discharged, and it is shown that he was a member of the Alaska exploring expedition. (Navy Inv. Ctf. 22328.)

He is now pensioned at the rate of $6 per month for a fracture of right knee cap, and increase of pension was rejected in May last by the Pension Office.

In his application for pension filed October 18, 1892, he also claimed for an injury to his right ear incurred in the service in the line of duty, but claim for this disability was rejected because it was not incurred in the service but while on liberty, as shown by the records.

The records show that while duck hunting for pleasure while in the service he sustained a rupture of right ear drum, which appears to have been caused by the accidental explosion of a heavy fowling piece.

Claims have been made for other disabilities, but the same are not shown to be in any way due to his military service.

There is a statement of Rear Admiral A. V. Zane, dated April 26, 1918, in which he states that the sailor was one of the northern Alaska exploring expedition in 1885 and 1886, of which he was a member, and that the said sailor made a sled journey with him of some 1,200 miles.

Official medical examinations made February 9, 1893, and June 7, 1916, show the evidence of some degree of deafness in the claimant’s right ear.

He is 74 years of age, owns his home, which he states is worth about $7,000, and the evidence shows that he has no income except his pension, and witnesses testify that his property is situated outside the city limits on a hill away from city facilities, and one witness says there is no market or demand for such property.
In view of the service rendered by this man and the fact that it is shown that one of his disabilities was incurred in the service in the line of duty, and another, the injury of his right ear, practically in the line of duty, because it was due to the accidental discharge of fowling piece while he was out duck hunting for pleasure, and his advanced age, the committee recommends that he be granted an increase of pension from $6 to $12 per month.


The records of the Navy Department show treatment in the service as follows: May 14 to 18, 1903, for tonsillitis; November 21 to 23, 1905, for alcoholism caused while ashore.

In January, 1904, the soldier filed an application for pension, alleging that about the 15th of September or October, 1904, he was injured in his left hand by being burned by a hot slice bar.

He filed no evidence in support of the claim and it was rejected August 2, 1924, because there was no record of the alleged injury in the Navy Department and no evidence of incurrence of the alleged injury in the service and his declared inability to furnish the evidence necessary to establish the claim.

The claimant is 55 years of age and owns his own home, which witnesses state is probably worth about $5,000, and states that he has an income probably averaging $1,000 per year from selling real estate and insurance, and witnesses practically corroborate this statement. He is married.

In support of the bill the affidavits of two neighbors and of a physician have been filed, all of whom testify that the claimant was sound prior to his enlistment and that upon his discharge and return home his left hand was disabled and that he had a scar near the center of the palm of the hand which disabled him one witness states about 50 per cent.

The doctor states that the soldier upon his return from the service was complaining of stiffness or a drawn condition in the fingers of the left hand and that there was a scar tissue in the palm surface of the hand, and that he states the injury was incurred in the service.

He also states that the soldier was a carpenter by trade, but that he was compelled to give up that kind of labor and look for some other means of a livelihood and that he was probably 50 per cent disabled in trade, or 20 per cent in his present occupation.

He was officially examined by a surgeon April 14, 1924, who, after describing the condition of his hand, states that it would interfere to a marked degree for making a livelihood by manual labor, or so-called day's work, and that, being a carpenter by trade, he was forced to do something where the left hand played a very small part. The hand is drawn, and the examining surgeon stated that the little finger, ring finger, and second finger show evidence of a deep burn; that the little finger can not be extended but that the ring finger and second finger can be extended to nearly normal but that the little finger and ring finger are nearly always kept closed.

Claimant can furnish no evidence showing how he burned his hand.

A pension of $15 per month is recommended by your committee.
H. R. 15351. William E. Norton, 1102 North Tryon Street, Charlotte, N. C., served during the border defense, in Troop H, Sixth Regiment United States Cavalry, from September 18 to December 29, 1916, when he was discharged on surgeon's certificate of disability for varicose veins, laryngitis, chronic catarrhal, existing prior to enlistment. (I. O. 1434073.)

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

November 21 to December 1, 1916, varicose veins, marked, both legs, existed prior to enlistment, not in the line of duty; December 2 to 27, 1916, varicose veins, moderate, both legs, existed prior to enlistment, refused operation, not in line of duty; December 29, 1916, varicose veins, right lower extremity from ankle to saphenous opening and front of calf of left leg, severe, laryngitis, chronic catarrhal, both existed prior to enlistment, both not in line of duty; discharged December 29, 1916, on surgeon's certificate of disability, because of disabilities above noted existed prior to enlistment and are not in line of duty. Degree of disability, none. No additional record of disability found.

In the year 1920, the soldier filed a claim under the general law alleging that on November 6, 1916, while in the service, he was taken with varicose veins and hemorrhoids as a result of excessive horse-back riding, and that the varicose veins really started about six years before from typhoid fever, but no trouble had resulted, and a doctor at enlistment told him that they would not interfere with his service, but the excessive horse-back riding made them worse; that he never had hemorrhoids before enlistment.

This claim was rejected on the ground that the varicose veins existed prior to enlistment and that part based on hemorrhoids on the ground that there was no medical or other satisfactory evidence showing origin of the same in the service or existence or continuance since discharge.

The claimant is 37 years of age and married, and it is shown by the evidence that he owns no property and his income from all sources is about $600 per year.

The soldier filed numerous affidavits of witnesses and doctors stating that he was sound prior to enlistment and that immediately after his return from the service he suffered with varicose veins and hemorrhoids. He also filed the affidavit of a physician with his claim for special act, which is as follows:

This is to state that I prescribed for this man prior to his enlistment and that at this time he was physically fit. Since his discharge from the service I have treated him for varicose veins and hemorrhoids. This condition did not exist prior to his enlistment and no doubt were caused during his service in the line of duty in the United States Cavalry.

His disability is about 80 per cent at the present writing.

On September 15, 1926, another physician stated that he, on that date, examined the soldier and found no external evidence of hemorrhoids, but that the soldier complained of such trouble, but that he finds severe varicose veins in his legs which come all the way down from the thigh.

Official medical examination in 1921 disclosed a very slight disability from hemorrhoids, but varicose veins of both legs from hips down, and recommended a rating of one-half disability for varicose veins and hemorrhoids.

Of course, the statements of the soldier's witnesses and his doctor that the soldier's varicose veins are due to his military service
can not be accepted for the reason that the records of the War Department shows that the varicose veins existed prior to enlistment, and the soldier in his own statement acknowledged that the varicose veins were the result of typhoid fever contracted prior to enlistment.

It may be possible that the varicose veins were made worse by his service.

The committee recommends a pension of $12 per month.

H. R. 15353. Nellie M. Wheeler, rural route 11, Columbus, Ind., is the widow of Curtis R. Wheeler, who served in the One hundred and sixty-third Company United States Coast Artillery Corps, from March 21, 1908, to March 20, 1911, when honorably discharged. (Inv. Ctf. 1502028.)

A claim filed by the soldier under the general law was rejected after special examination August 18, 1925, on the ground that there was no record in the War Department of the alleged bronchitis and tuberculosis, and no medical or other satisfactory evidence of the origin in the service or existence at discharge, and he was unable to connect disability with the service. He, however, was granted a pension of $24 per month by a special act approved June 17, 1926, and this committee concluded the report as follows:

While it is not clearly shown that this soldier's disease originated in the service, yet in view of the fact that he was in good health before enlistment and gave evidence of some lung trouble soon after discharge, the committee recommends that he be granted a pension of $24 per month.

(See O. B. 9966, p. 99.)

The soldier died November 5, 1926, from pulmonary tuberculosis. The claimant has furnished the committee record evidence showing her marriage to him June 28, 1913, and evidence shows that there was no prior marriage of either.

The claimant is 37 years of age, owns no property, either real or personal, and has no income.

A physician testifies that she has myocarditis with general debility, and also a lung lesion which he is sure is tubercular. He further states that she will not be able to do physical labor again.

As Congress, as shown by the report upon which the soldier was pensioned, virtually accepted the soldier's pulmonary tuberculosis as due to his service and he died with that disease, it is recommended that this widow be granted a pension of $12 per month with $2 per month additional on account of the soldier's minor child under 16 years of age.

H. R. 15428. Jacob Lemuel Hartsfield, New Bern, N. C., served during the war with Spain as seaman and chief quartermaster, United States Navy, as shown by the records of the Navy Department, from May 2 to July 23, 1898, when he was honorably discharged. (I. O. 1438126.)

His claim under the Spanish War pension act of June 5, 1920, has been abandoned for the reason that he rendered less than 90 days service during the war with Spain—83 days.

From an affidavit filed with the bill for special act it appears that the sailor served a longer period than shown by the records.

Mr. T. C. Daniels states as follows relative to the sailor's service:

I have been personally and closely acquainted with Jacob L. Hartsfield for 40 years. That I was associated with him for 20 years in the North Carolina
Naval Militia. That his physical condition was excellent during all the
time up to and including his entry in service of the Navy in 1898. That
I was commanding officer of the New Bern division of the Naval Militia,
and that in accordance with orders received on about the 15th of April,
1898, I organized and detailed a crew of men for duty to man the signal
station at Cape Lookout, N. C. That the crew was assembled and reported
for duty on April 16, and on April 30, in accordance with the telegraphic
orders, I moved the detail to Cape Lookout, arriving on the 31st. The
detail was sworn in by muster on May 2, 1898, but they were placed on duty
in accordance with orders on April 15, 1898. That since the return of Harts-
field from his duty, his health has not been good. That I have noticed him
when he was suffering with acute heart attacks. That he is unable to do
severe work. That he probably has an income from his business of $1,000
per year. That I consider that he is more than one-half disabled physIcally
than was his physical condition when he entered the service.

From the above statement it appears that this sailor rendered
active service from April 15, 1898, but was not mustered into the
service until May 2, 1898.

The claimant is 56 years of age, owns no property and his annual
income is between $800 and $1,000 per year.

A physician states as follows relative to his present physical
condition:

I have known Jacob Lemuel Hartsfield, for 20 years, and he has not done
any manual labor within that time; about all that he has done is a little
insurance work or acting as county coroner since I have known him.

Have treated him several times with reflex heart or nervous attacks seem-
ingly from auto-intoxication from indigestion and gas in abdomen. Can eat
very little and suffers with indigestion; and has thrown him unconscious at
times with violent heart attacks. His X-ray pictures of stomach shows a
somewhat cow-horn-shaped stomach with base down and seemingly to refuse
to empty itself at times as that base drops very low into lower left quadrant
of abdomen. He has been treated by other physicians and seemingly with no
relief. He is nervous and manual labor seems to increase his troubles.

I should say he should be classified as about one-half total disability.

The member who introduced the bill states as follows:

In reference to H. R. 15428, a bill granting a pension to Jacob Lemuel Harts-
field, I desire to state that I have known Hartsfield for a number of years,
and I know that he is in a very poor state of health. I am attaching hereto
statements of two physicians, Dr. N. M. Gibbs and Dr. R. S. Primrose. These
physicians are men of high character, and I call particular attention to the
statement of Doctor Gibbs. He states that Mr. Hartsfield has not done any
manual labor for a period of about 20 years; that he has treated him numerous
times with reflex heart or nervous attacks, and that these attacks have thrown
him into unconscious condition numbers of times; that X-ray pictures of his
stomach shows a somewhat cow-horn shape with base down, leaving a bad
condition; that he is nervous, and that manual labor seems to increase his
trouble. Both of these physicians state that he is incapacitated at least 50
per cent. My knowledge of Mr. Hartsfield would indicate this same condition,
and I know that before he went into the service he was a very strong man,
active and aggressive. I have known him for at least 30 years. He has been
in poor health for a number of years. I see him almost daily when I am
at home and he lives in the same town that I live in. I am herewith supplying
further affidavits in connection with the case, and I strongly urge your com-
mittee to grant the amount for which I have asked as I think it is a worthy
case and that he is entitled to it.

In view of the evidence it appears that this sailor rendered over
90 days' service during the war with Spain, and is about one-half
incapacitated for the performance of manual labor, therefore, your
committee recommends that he be granted a pension at the rate of
$25 per month.

H. Rept. 1782, 69-2 — 9
H. R. 15434. William M. Bainbridge, Rushville, Ind., was granted an Indian war pension of $20 per month by a special act of Congress approved September 22, 1922. (I. W. S. Ctf. 11362.)

This pension was granted upon the following report:

H. R. 876. William M. Bainbridge, Rushville, Ind. Served in the regular establishment during certain Indian campaigns in Company E, Twentieth United States Infantry, from August 16, 1869, to March 10, 1874, when honorably discharged. (I. O. 11469—Indian wars.)

The records of the War Department show that this soldier deserted May 19, 1871, and returned to regiment December 31, 1873, from desertion and was pardoned for his desertion under the President's proclamation.

He filed a claim for pension under the Indian war act, April 23, 1917. It was rejected on the ground that he did not participate in any Indian campaign named in the act of March 4, 1917.

He alleged in an affidavit that he did so participate as follows:

"I was stationed at Fort Snelling, Minn., where I did guard duty, and did campaign duty in the fall of 1870 to Leech Lake, Minn., to make treaty with the Indians, and in the summer of 1871 did escort duty with General Hancock up the Pembina River in Dakota Territory among the Indians, and in the winter of 1871 I done campaign duty to Vermillion Lake, Minn., among the Indians, and the detachment was snow-bound and like to froze to death."

This statement of soldier is borne out in part by the records of the War Department, which show that he was absent on detached service as escort to Indian agent from December 10, 1870, to January 18, 1871, and on detached service from August, 1869, to December 15, 1870.

With special bill claimant has filed his sworn statement to the effect that he is 74 years of age, that he and his wife own a home valued at $2,500, that his income amounts to $110 per annum, which is derived from Government bonds, and that he is wholly unable to perform manual labor by reason of age and hernia.

In view of the fact that soldier served faithfully nearly two years in the Indian country and is now very old and feeble, it is believed that he should be pensioned as an Indian war survivor, so $20 per month is recommended.

Claimant is now 78 years of age and married.

He owns jointly with his wife his home valued at $2,000, and including his pension his annual income is $465.

A physician states that the claimant is an old man, 78 years of age, feeble in mind and body and is wholly unable to earn a support by manual labor by reason of disease of digestive organs, chronic nephritis, old age, and other troubles.

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

H. R. 15435. Martha Farley, 558 East Broadway, Shelbyville, Ind., is the widow of Benjamin F. Farley, who served in Company D, Seventeenth Regiment United States Infantry during certain Indian wars, from April 29, 1876, to July 1, 1879, when honorably discharged. (I. W. W. Ctf. 8736.)

Claimant was married to the soldier August 23, 1875, and he died June 17, 1915, and she is now pensioned at the rate of $12 per month under the Indian war pension act of March 4, 1917.

She is 71 years of age, and has no property and no income except her pension and has no relative who contributes to her support.

A physician testifies that she has heart trouble which prevents her from earning a livelihood.

An increase of pension to the rate of $20 per month is recommended.
H. R. 15448. Frances C. Miles, La Plata, Mo., is the widow of John W. Miles, who served against the Cheyenne and Kiowa Indians in Company B, Battalion Eighteenth Regiment Kansas Cavalry, from July 5 to November 15, 1867, when honorably discharged. (I. W. W. Ctf. 10022.)

The claimant was married to the soldier January 19, 1871, and he died March 29, 1921. She is now pensioned at the rate of $12 per month under the Indian war pension act of March 4, 1917.

She is 76 years of age, and the evidence shows that she has money and investments aggregating about $5,700, and that she has an income of $320 per year from such investments in addition to her pension of $144 per year.

Evidence filed with the bill shows that she is practically blind. A physician testifies that the blindness is due to cataracts of both eyes, which are immature, but being so called nuclear cataracts, obscure her vision until she is reduced to blindness.

She can count figures with the right eye at 4 feet, and with the left eye at two feet.

The evidence shows that she lives with a daughter, who provides for her in every way with the exception of clothing.

In this case the committee recommends an increase of pension to the rate of $20 per month.

H. R. 15511. Katie C. Manson, Lakeland Sanitarium, Grenloch, N. J., is the dependent mother of Thomas Manson, who served in the Regular Establishment in the Sixty-first Company, United States Coast Artillery Corps, from April 20, 1911, to February 1, 1915, when honorably discharged for disability due to his military service (chronic pulmonary tuberculosis). (Mother's Ctf. 855898.)

The soldier was pensioned for pulmonary tuberculosis and died of that disease March 21, 1917, and his mother is now pensioned at the rate of $12 per month by reason of his death being due to his military service.

She is now 61 years of age, and owns no real estate, and her income, in addition to the pension, is shown by the evidence to be about $100 per year from electric and other stocks.

It is shown by the medical evidence filed with the bill that she is suffering from ulcerative pulmonary tuberculosis, and has been for many years, and that since September, 1926, she has been an inmate of a sanitarium, which is a county tuberculosis sanitarium.

Her physician states that she is suffering from an advanced form of the disease, is not improving, and that she is absolutely helpless.

The committee recommends that her pension be increased to the rate of $20 per month.

H. R. 15574. Clarence Griffith, 5395 Marshall Street, Burlington, Iowa, served during the war with Spain in the Sixth Battery Iowa Light Artillery, from June 24 to September 5, 1898, when his regiment was mustered out (74 days of service), as shown by the records of the War Department.

Claimant has no disabilities shown due to his military service.

No claim has been filed in the Pension Bureau and it would be useless for him to do so for the reason that he did not serve 90 days.

Claimant is 50 years of age and married.
He has no property other than his home and three lots alleged to be the property of his wife and valued at $3,000. He and his witnesses state that he has no income at all; that he was employed as an overseer of an office building, but on account of heart trouble he has been unable to work since July, 1926.

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

That he has been a practicing physician, and has been acquainted with the above-named soldier for about 12 years, and that during that time he has been suffering from hyperthroedism and judging by the history in the case before that time and that now for several months he has been entirely unable to do any work of any kind being confined to bed part of the time on account of a myocarditis and a rapid and irregular heart's action. During this time he has complained of great weakness.

The committee recommends a pension of $15 per month.

H. R. 15586. Daniel W. Peters, National Soldiers' Home, Wisconsin, served in the Quartermaster Corps, United States Army, from July 7, 1919, to July 7, 1920, when honorably discharged, and from July 28, 1920, to May 26, 1922, when discharged by reason of purchase. He again enlisted April 19, 1923, and served in the Medical Department, United States Army, and the Fortieth Company, United States Coast Artillery Corps, to January 19, 1924, when discharged on "surgeon's certificate of disability" for chronic nephritis, vascular hypertension, and myocardial insufficiency, in line of duty. (Inv. Orig. 1497035.)

Defects noted at first enlistment: "Vision of left eye 20/30, slight arteriosclerosis."

His claim for pension filed March 17, 1924, was rejected March 16, 1925. That part of the claim was based on malarial poisoning, bronchitis, and disease of lungs, eyes, nose, ears, and throat on the ground that a ratable degree of disability had not been shown to exist from these causes and that part based on disease of heart and asthma on the ground that a ratable degree of disability had not been shown from these causes, independent of the effects of arteriosclerosis which existed prior to claimant's enlistment as shown by the reports from the records of the War Department.

An appeal was taken to the Secretary of the Interior from this action, and the Secretary affirmed the Pension Bureau's action of rejection.

Reports of medical examination of two different boards, dated May 27 and June 4, 1924, respectively, showed arteriosclerosis, but no malarial poisoning. These boards noted an affection of the heart and lungs, but the medical doctors of the Pension Bureau held that such condition was due to interference with the circulation incident to arteriosclerosis. The expert who examined claimant's eyes, ears, nose, and throat on September 12, 1924, showed that the eye trouble was due to an error of refraction which was fully corrected by glasses. He did not find hearing noticeably defective, but did find slight catarrh of nose and throat and stated that claimant showed a decided tendency toward malingering.

A Veterans' Bureau hospital found upon examination in December, 1924, no disability of eyes, ears, or throat, no tuberculosis, but chronic fibrous pleurisy and enlarged heart, diagnosed as cardiac enlargement, slight nasal trouble, poor teeth, and arteriosclerosis.
Claimant is 46 years of age and apparently very stupid. He has no wife, owns no property, and has no income. He is an inmate of a soldiers' home.

A physician states as follows:

Chief disabilities:
(1) Bronchial asthma, chronic, moderate.
(2) Myocarditis, chronic, moderate.

Claimant is unable to perform hard manual labor but is able to do light work. Mental condition fair. Considers claimant to be one-half disabled.

In view of the fact that claimant was treated for bronchitis and heart trouble and that heart trouble was one of the disabilities for which he was discharged and held to have been contracted in the service, it is recommended that he be granted a small pension of $6 per month.

He filed a claim immediately after his discharge from the service; rendered considerable service and has not been a strong man since discharge.

H. R. 15592. George Hutson, Coal Creek, Tenn., served in the Regular Establishment in Company A, Thirty-fifth United States Infantry, from May 31, 1866, to May 31, 1869, when honorably discharged. (Inv. Ctf. 872740.)

He is now pensioned at the rate of $30 per month on account of rheumatism and resulting disease of heart due to his military service, and applications for increase of pension were rejected in the Pension Bureau March 29, 1926, and August 3, 1926, it being held by the medical officers that his condition was in part due to hemiplegia, not accepted as the result of the pensioned causes.

In an affidavit filed July 19, 1926, a physician stated that he had examined the soldier and that he was suffering from chronic rheumatism together with sclerotic or hardening condition of the blood vessels, and also from an attack of hemiplegia, which he stated were the result of rheumatism, and that he was unable to take care of himself and required the help of another person.

He is 78 years of age, has a wife, and owns a small house which is worth about $600 or $700, and that he has no income except his pension.

One witness testifies that he has nursed and waited upon the claimant for weeks at a time because his wife was too old and feeble and he had no money to hire anyone. Another witness testifies that he has no income other than his pension which is not enough to provide for himself and his wife.

A physician testifies that he has been unable to perform manual labor for the past 10 years, from rheumatism, disease of heart, and hardened condition of arteries.

In view of the soldier's advanced age and extreme physical condition and the fact that medical examination has been denied in his claims for increase of pension, it is recommended that his pension be increased to the rate of $40 per month.

H. R. 15681. George W. Mead, Middlebury, Vt., served during the war with Spain, in Company A, First Regiment Vermont Infantry, from August 15 to November 3, 1898, when he was honorably discharged, being mustered out with the company.
During this time the records show that the soldier was on a furlough from September 28 to October 4, 1898, about a week.

He never filed any application for pension and has no title under the Spanish war pension service acts because he had less than 90 days.

He states that he is 61 years of age, that he has a half interest in an automobile and a half interest in a small vacant lot, and bank deposits amounting to $250; that his income is the interest on the bank account and $489.56, from work in the past 17 months, and one witness practically supports his statement as to property and income; while another states he knows of no income other than his salary which amounts to some $2,100 for full time, but that for the past 10 years he has been unable to work over one-fourth full time.

A physician testifies that about 4 years ago, he treated him in attacks of pneumonia and that for a month or so afterwards for general weakness and low-blood pressure; that since May, 1924, he has had a chronic glandular infection of neck and had four operations on the gland, and that he is now in a general weakened condition and unable to attend to his usual work steadily, and that during the last year he was without work for 11 months due to illness.

The soldier's entire service covered a period of 81 days.

The Post Office Department has advised this committee that this soldier is a post-office employee at Middlebury, Vt., receiving a salary of $2,100 per year, and that he has been in the service since February 24, 1910.

The committee recommends that he be granted a pension at the rate of $20 per month, with the proviso that if at any time he should be placed on the Federal retired roll, that the pension cease and determine.

H. R. 15688. Francis Tole, 4524 North Eleventh Street, Philadelphia, Pa., served during certain Indian wars, in Troop D, Third Regiment United States Cavalry, from January 15, 1866, to August 15, 1868, when honorably discharged. (I. W. S. Orig. 10371.)

Claim under the Indian war pension act of March 4, 1917, was rejected in 1918, because the soldier did not serve in any of the Indian wars or campaigns named in the act.

However, a report from the War Department shows that Troop D, Third United States Cavalry, was actually engaged in an Indian campaign for over 30 days against hostile Indians in New Mexico in 1867 and 1868, and the soldier was shown to have been present with the troop during the period in question.

The soldier states as follows relative to his service against the Indians:

After enlistment was sent to Little Rock, Ark., and Fort Smith, Ark., thence to Mexico Territory and other places. We were engaged with the Ute Indians and drove them over the mountains into Fort Garland, N. Mex., and we took charge of the Navajo Indians to Fort Sumner, N. Mex., thence to Fort Union, N. Mex., Fort Bascom, N. Mex., doing scout duty for the Utes and Apache Indians to Fort Sumner across the desert to Fort Stanton, N. Mex., and chased the Apaches into Texas (Corporal Lewis was killed and six or seven wounded) among those were also privates Shaw and Merrill. This occurred from the time we left Fort Smith, Ark., in the summer of 1866, when a colored regiment mutinied and we took them with us over to Mexico.
In view of this it is believed that he should be regarded as having been an Indian war soldier.

He is 76 years of age, states he has no real estate, and no income except $45.68 per month from the Philadelphia Fire Department, and a witness testifies that his only income is his pension from the fire department.

A physician testifies that during the last four years he has been completely disabled from apoplexy and that he also has been suffering from hemorrhoids. Another witness testifies that he was stricken with paralysis or apoplexy about four years ago and is entirely unable to help himself.

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

H. R. 15701. Bianca Hill, Wilbur, Oreg., is the widow of William G. Hill, who served during the Oregon and Washington Territory Indian wars, in Capt. Jesse Walker's Company A, Ninth Regiment Oregon Volunteer Militia, from August 3, 1854, to November 6, 1854. He also rendered prior service from August 16 to September 7, and from September 7 to November 2, 1853, and from October 30 to December 6, 1855. (I. W. W. Ctf. 8898.)

The soldier was wounded while engaged in battle with Indians.

Claimant is pensioned under the Indian war pension acts of July 27, 1892, and June 27, 1902, at the rate of $12 per month.

She was married to the soldier May 2, 1869, and he died February 24, 1918.

Claimant is 76 years of age and it is shown by the evidence that she owns 30 acres of land at Wilbur, Oreg., valued at $1,000, and a dower right in 30 acres more at the same place valued at $1,000. She has no income other than $144 per year pension and $100 per year from the property above described.

Witnesses state that her children do not contribute to her support except in case of sickness.

A physician states that the claimant is unable to perform labor or carry on any gainful occupation by reason of chronic interstitial nephritis with hardening of the arteries and high blood pressure; that she is very much undernourished, also has mitral lesion of the heart, and is almost totally deaf.

It is recommended that her pension be increased to the rate of $20 per month.

H. R. 15747. Lizzie L. Brown, Hotel Rosslyn, Los Angeles, Calif., is the widow of Henry Brown, who served in Capt. C. F. Buck's company, Winona Rangers, Minnesota State Militia, from August 27 to October 14, 1862, when honorably discharged. (I. W. W. Ctf. 10816.)

This claimant is now pensioned at the rate of $12 per month under the Indian war pension act of March 4, 1917. She was married to the soldier December 18, 1871, and he died September 7, 1897.

She is 74 years of age, and a physician testifies that she suffers from arthritis deformans, and that her hands and feet are much crippled and deformed rendering her power of walking very limited, and that her condition is such that she requires the periodical aid and has the attendance of a daughter in some things.
PENSIONS AND INCREASE OF PENSIONS

She owns no property, but has $6,000 invested in bonds, and her income is about $400 per year, including pension.

The committee recommends an increase of pension to the rate of $20 per month.

H. R. 15762. Esther Meece.

The first session of this Congress, your committee recommended that claimant be granted a pension of $12 per month, based upon the following report contained in omnibus bill 7906:

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

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

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

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

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

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

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

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

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

In my opinion claimant is disabled 50 per cent.

MAY 22, 1922.

J. M. RATLIFF, M. D.

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

DECEMBER 21, 1923.

L. I. FARMER, M. D.

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

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

Medical evidence filed with the bill shows that he is 30 per cent disabled on account of the disabilities named above.
In view of the medical and lay evidence filed showing existence of catarrh and deafness soon after soldier’s discharge from the service, it is believed that the claimant should be granted a pension of $12 per month and it is so recommended.

The item was stricken out by the Senate on the ground that none of the soldier’s ailments were contracted during his peace-time service.

The item was not restored in conference and another bill has been introduced.

During the Sixty-eighth Congress the Senate also refused to grant claimant a pension.

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

H. R. 15764. Rosa Green, London, Ky., is the dependent mother of Harrison Green, who served in the regular establishment as an unassigned recruit United States Coast Artillery Corps, from February 8, to December 29, 1907, when he died in the service in the line of duty, of an abscess of his right lung. (Mother’s Ctl. 681815.)

His mother is now pensioned at the rate of $12 per month under the general law.

The claimant is 72 years of age, owns no property and the evidence shows she has no income except her pension, and that she has no children who contribute to her support, and it is shown by the medical evidence filed with the bill that she has liver, stomach, and heart trouble and is totally disabled for the performance of any labor and has been for several years.

The committee recommends that she be granted an increase of pension to the rate $20 per month.

H. R. 15770. Taylor G. Gambrel, 337 Heaton Street, Hamilton, Ohio, served in the regular establishment in Company A, Twenty-eighth Regiment United States Infantry, from August 22, 1907, to August 21, 1910, when honorably discharged. (I. O. 1431351.)

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

December 18 to 22, 1907, for acute muscular rheumatism, right shoulder, and from May 12 to 15, 1909, orchitis, acute, right, nonvenereal. No further treatment shown.

November 26, 1920, 10 years after his discharge, the soldier filed an application for pension alleging that he had contracted rheumatism in the service. The claim was rejected February 28, 1922, because of no ratable disability.

In an affidavit filed in November, 1921, he stated that ever since his discharge he had been afflicted with atrophy of the muscles of his hands resulting from rheumatism.

After a thorough special examination the claim was finally rejected April 27, 1925, as to muscular atrophy covering affection of the hands, arms, shoulders, and limbs, on the ground of no record in the War Department of said disability, no evidence showing existence in the service, and the claimant’s manifest inability to connect any disability therefrom with his military service, either as a result of rheumatism or otherwise, and as to rheumatism on the ground that the best obtainable evidence failed to show continuance since discharge.
This action was based upon an opinion of the medical officers of the Pension Bureau, dated April 9, 1925, as follows:

It can not be accepted that the acute muscular rheumatism for which the claimant was treated in December, 1907, had any connection with the progressive muscular atrophy from which he is now suffering. The claimant states that the initial symptoms of the muscular atrophy appeared prior to his discharge from the service. However, he has been unable to furnish evidence as to origin. The testimony in the case is indefinite as to the date when the disease first became manifest, but so far as is shown the diagnosis of progressive muscular atrophy was not made by a physician until August, 1921. The disease was probably well advanced at that time, but the assumption is not warranted from a medical viewpoint that it originated in the service.

Upon the special examination evidence was obtained showing that the soldier suffered or at least complained of rheumatism or some kindred disease at intervals ever since his discharge from the service. Dr. Harry L. Burdsall, of Hamilton, Ohio, testified on the special examination that it was his recollection that he treated the soldier in 1912, but he was a cash customer and he had no record of his treatment, but recalled he was suffering from articular rheumatism, affecting his left shoulder, neck, back, and legs, especially his knees, and also that he called upon him a year or two after the first treatment.

Dr. George M. Cummins, of Hamilton, Ohio, testified that the soldier came under his medical attention in 1913, or late in 1912, and that he treated him for muscular rheumatism, affecting his arms, shoulders, back and legs, and feet, and that in August, 1921, May, 1922, March, 1923, he gave him treatment for progressive muscular atrophy affecting his whole body.

A board of surgeons by whom the claimant was examined January 26, 1921, stated that they found the claimant instead of having rheumatism, suffering from well-advanced progressive muscular atrophy, having perhaps been influenced in its production by a former attack of acute rheumatism, or its initial lesion may have been in the spinal cord, and that they reported they found the claimant incapacitated for the performance of manual labor.

The soldier is a barber by trade, is married, but has no children, and it is shown by the evidence that he is 39 years of age, owns no property, and has no income except his earnings when able to work. Witnesses state he has been unable to work for some time. A physician testifies that he has progressive muscular atrophy and has been under his care during part of the years from 1920 to 1925, and that he was unable to follow steadily any gainful occupation, and that he was one-half disabled.

While this soldier's present physical condition may not have wholly due to his military service, it is shown that he was treated for rheumatism in the service, and the committee believes that his condition is probably due to some extent to the service and, therefore, recommends that he be granted a pension at the rate of $12 per month.

H. R. 15775. Frank Hornsby, Manchester, Ky., served in the One hundred and twenty-ninth Company, Coast Artillery Corps, from January 30, 1909, to January 29, 1912, and in the Twelfth Recruit Company from February 3, 1912, to October 19, 1913, when honorably discharged. (Inv. Cert. 1214616.)
The records of the War Department show treatment in the service for an incised wound of the left hand received in a fight with a comrade and not in line of duty. No further record of treatment. This soldier is now pensioned at $12 per month under the general law on account of varicose veins of his legs. An increase was rejected August 16, 1926. At different times he filed applications for pension on account of several other disabilities claimed to be due to service, rheumatism, dysentery or diarrhea, disease of liver, constipation, piles, and disease of heart, all of which have been rejected because he was unable to connect any disabilities from such causes with his military service. His first claim for rheumatism, diarrhea, or dysentery, and disease of liver was rejected because of no ratable disability.

He is now 38 years of age, is married, and has several children, owns a house and several lots in Manchester, Ky., worth about $2,000, and also has a general store worth from $1,000 to $2,000, and a witness states that he thinks his annual income is about $1,000.

Dr. H. C. Hornsby, the soldier's father, testifies that he was in good health prior to enlistment, and when he came home in the year 1912 he was suffering with rheumatism, diarrhea, dysentery, and varicose veins of both legs, and that he has treated him for the above disabilities since 1912, and that he examined him September 2, 1926, and found him still suffering from rheumatism, dysentery alternating with constipation, and that his varicose veins extended from the saphenous opening to the planter arch of the feet, and had knots and nodules all along the area of the veins of the right leg and the left was in the same condition; that he had general rheumatism, and his heart action was irregular, and that he was 60 per cent disabled. Upon the special examination of the claimant in 1922, this witness testified that his son came home on a visit of 10 or 12 days in 1912, and that he then had varicose veins of both legs, and that he examined him, and he was also suffering from rheumatism, principally knee and hip joints, and complained of considerable pain and stiffness; that he also showed symptoms of liver trouble, and his skin was jaundiced, and he thought he was complaining of dysentery alternating with constipation; that after discharge when he was at home about the same condition existed as during his former visit, except that the liver trouble was not so severe, and that he was still complaining of rheumatism in his back.

The last official medical examination was made July 7, 1926, when the board found heart disease and rated the same at $15 a month, and gave claimant a rating of $10 per month for rheumatism, and the board stated that in their opinion the sum of disability from varicose veins, heart trouble, and disease of stomach, and diarrhea entitled the claimant to $15 a month.

In view of the testimony of the soldier's father, Doctor Hornsby, it is probable that the soldier's rheumatism is due to his service, and the committee therefore recommends that his pension be increased from $12 to $17 per month.


He is now pensioned under the general law at the rate of $17 per month on account of disease of respiratory organs, which he
contracted in the service, and a claim for increase of pension was rejected in the Pension Bureau December 28, 1925.

He is 55 years of age and married, owns a farm worth about $1,000, and has personal property worth about $200, and witnesses state that he has no income except his pension.

A physician testifies that he has disease of throat, tonsils, and nasal passages, a bad cough, and rales over each lung, and some heart and stomach trouble. His diagnosis was chronic catarrh and disease of bronchial tubes and lungs, which he believes to be tuberculosis, and he further states that in his judgment the claimant is not able to perform any manual labor, but from necessity does about one-fourth manual labor. Other witnesses state that he is not able to perform manual labor more than one-fourth of the time.

The board of surgeons by which the claimant was officially examined December 2, 1925, after describing his condition, stated that they found him disabled one-half to perform manual labor.

In view of the soldier's physical condition, as shown by the evidence, the committee recommends that he be granted an increase of pension to $24 per month.

H. R. 15787. Alice A. Whitten, Clifton, N. J., is the dependent mother of Charles Dunbar Whitten, who served in the United States Navy from July 3, 1924, to May 8, 1926, when he died in the service from an accidental wound self-inflicted. The manner in which the wound of head was self-inflicted is shown by the records of the Navy Department to have been as follows:

From evidence gathered by board of inquest and board of investigation it seems apparent that at about 9 a. m., May 8, 1926, while deceased was sitting in radiocompass room, he was looking down the muzzle of a .38-caliber Colt double-action pistol and accidentally pulled the trigger. There is a wound of entrance about 3.8 inches by 3/8 inch in diameter, 1 inch to left of median line and 1/2 inch below supraorbital ridge, just above eye, and a wound of exit about 1 inch by 1 inch in diameter, 1 3/2 inches to left of median line and about 1 inch above the most prominent portion of external occipital protuberance. At the wound of entrance there was an area of about 1 inch covered with powder stains and burns, and a few scattered powder stains over bridge of nose and right eyelid. Brain tissue was protruding from the wound of exit. Death was apparently instantaneous. Conclusions and opinion of board of inquest and board of investigation: "That deceased met his death as a result of gunshot wound of brain caused by the accidental discharge of a .38-caliber Colt double-action pistol. Wound accidently self-inflicted. May 8, 1926, patient discharged this date as dead." (Moth. Orig. 1541586.)

The sailor's mother filed an application for pension on May 29, 1926, which was rejected on October 21, 1926, on the ground that his death from an accidental self-inflicted pistol wound was in no manner due to his naval service in line of duty as shown by the records of the Navy Department. This action appears to have been taken because it was held that he was guilty of negligence by Pension Bureau and hence the wound was not in line of duty.

The claimant is 46 years of age, and shown to have been the sailor's mother, and the evidence shows that she is a widow, the sailor's father having died some time ago. She owns her home, which is assessed at $2,050 with a mortgage of $1,400 upon it, and her income is about $750 per year derived from her personal efforts when working. She states that when working she can earn from $75 to $80 per month.
The Member who introduced the bill states as follows, after appearing before the committee:

Bearing on the dependency phase of the case of Mrs. Alice A. Whitten, I beg to call your attention to the following excerpt from a letter which she has written me under date of December 17, 1926.

“My dear son sent me $25 a month and it was this that enabled me to keep up.”

Under date of November 28, 1926, Mrs. Whitten wrote:

“Only God knows what happened (referring to the death). I have struggled hard and it was only my dear boy’s allotment that helped me to live these last two years.”

Mrs. G. B. White, in charge of the Red Cross, Clifton, N. J., wrote on October 28, 1926:

“Mrs. Whitten is broken in health. Her son kept her alive and she was quite dependent on his assistance as the father, before his death, was an invalid.”

The Red Cross and the Navy Relief Association have been aiding Mrs. Whitten for some time.

It is quite evident that the claimant is only able to work but very little, and in a very poor physical condition.

The committee was advised by the Navy Department, over the telephone that radio operators stationed at such lonely places as this claimant’s son was, are permitted to carry loaded weapons.

It is believed that the holding that the death of this claimant’s son while in the Navy was due to negligence is rather technical, as there is really nothing to show that he was careless, and the Navy Department made no such holding. He was stationed at the lonely United States Radio Naval Station, Tatoosh Island, Wash., at the time of his death, and the Member states that he was found with ear phones on.

He was found after the accident happened and, of course, there is nothing to show carelessness on his part.

A physician testifies that he examined Mrs. Whitten in December, 1926, and found her afflicted with hemorrhoids and a mild cystitis, and that she has an acidosis and is of a nervous type. He stated that she was able to do light work, and that she had two children, one of whom was 15 years of age.

In view of the facts, it is recommended that this claimant be granted a pension at the rate of $12 per month.

H. R. 15805. Chester R. Freeman, Estes Park, Colo., served in Company M, Ninth Regiment Illinois Infantry, during the war with Spain, from June 28 to September 12, 1898, when he was honorably discharged on a surgeon’s certificate of disability, on account of disease of heart, and the surgeon stated further in his certificate that the symptoms existed for 18 months, and the records show origin prior to enlistment. (I. O. 1223420.)

The records of the War Department afford no evidence of treatment for disease, but that he was sick in quarters from August 13 to 21, 1898.

A claim for pension filed under the general law filed in 1899 was rejected because the disease of heart existed prior to enlistment, and a claim filed under the Spanish War pension act of May 1, 1926, has been rejected because claimant served less than 90 days and was not discharged on account of disability contracted in the service. His service covered a period of 77 days only.
The claimant is 49 years of age and was never married, and owns about 320 acres of grazing land worth about $500, and his income is about $300 per year.

In support of the bill the affidavits of a number of persons, some of whom served with the soldier, have been filed, all tending to show that he was physically sound prior to his enlistment; also persons who were with him in the service testify that he took part in the drills and worked at camp until August, 1898.

It has also been shown that he applied for insurance in the Modern Woodmen of America, August 17, 1896, and the medical examination made at that time showed no disease of heart.

Although soldier’s service covered a period of 77 days only, he was discharged because no longer physically able to serve, and, in view of this fact and the evidence filed in support of the bill as before mentioned, it is believed that the claimant should be pensioned, and, therefore, the committee recommends a pension of $20 per month.

H. R. 15935. Rupert O. Smith, Corinth, Ky., served in the regular establishment in Company F, Twenty-second Regiment United States Infantry, from June 24, 1902, to June 23, 1905, when honorably discharged. (I. O. 1424795.)

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

January 11, to February 11, 1903, secondary syphilis, not in line of duty; April 2 and 3, 1903, acute pharyngitis, in line of duty; December 19 to 31, 1903, abrasions extensive, both lateral surfaces both feet, especially inner surface right foot, caused by friction of shoes over blistered surface, in line of duty; original lesion probably syphilitic. Patient in secondary stage of syphilis, not in line of duty; April 30 to May 3, 1905, dysentery, acute, recatarrhal, in line of duty; returned to duty. No additional record of disability found.

In August, 1916, he filed a claim for pension alleging that while in the service in the line of duty in the expedition against Dato, Ali, Philippine Islands, he contracted chronic dysentery and inflammatory rheumatism. This claim was rejected on the ground of no medical record or other evidence of existence of dysentery in the service or at date of claimant’s discharge and no other satisfactory evidence showing continuance of said disability from date of discharge until September, 1906. That part of the claim based on rheumatism was rejected on the ground of no ratable degree of disability therefrom, independent of the effects of specific disease of record.

The claim under the Spanish War pension act of June 5, 1920, was rejected on the ground that he did not render 90 days’ service during the war with Spain or Philippine insurrection, he having enlisted June 24, 1902, just 11 days prior to the date the Philippine insurrection ended.

In support of his general law claim he filed an affidavit of Albert Ackman, who served with him and who stated in the affidavit that having served in the Philippine Islands and other places with the claimant for three years he can state that the claimant was while in the service in the field hospital for about a week on account of
attacks of dysentery and upon his return to this country he was again placed on sick list suffering with dysentery where he remained for about two weeks, and that while on board the United States transport Buford the soldier suffered an attack of dysentery and was ordered to the hospital, but the hospital was full and could not accommodate him, therefore he remained sick in quarters on a diet which he received from the hospital.

Mrs. Maggie Ackman stated that during the years 1905 and 1906, while she was a resident of Independence, Ky., the claimant visited her home in January, 1906, and became very sick with an attack of dysentery, and that she treated said soldier by giving him castor oil and blackberry wine, and that the dysentery lasted for a period of three or four days when he left sick.

A physician stated that he was the soldier’s family physician in 1906, and treated him for rheumatism and dysentery at numerous times, and has been under his treatment almost constantly for dysentery from July 28, to the time he made the affidavit which was executed October 28, 1916.

Official medical examination of December 6, 1916, disclosed considerable stomach trouble and some rheumatism. So much of the report relating to the stomach trouble is as follows:

Stomach: Hypogastric region very tender to palpation or pressure, stomach is enlarged or distended. Liver dullness increased up mid-axillary line and toward lower border of ribs. Has as much as two or three stools daily, when the dysentery attacks increase there are at times as many as 15 or 20 stools per day, accompanied by pain and passage of matters sometimes small specks of blood. At times excretes involuntarily and is compelled to wear a pad to protect himself.

The medical referee of the Pension Office, in a slip dated January 16, 1917, stated that the claimant is shown ratably disabled from dysentery, but not from rheumatism independent of the effects of specific disease of record. However, the Pension Office has held that the dysentery is not shown due to his military service.

The claimant is 46 years of age, and married, and it is shown by the evidence filed with the bill that he owns no property and has no income. With his special act papers he filed an affidavit of Dr. J. W. Abernathy, who makes about the same statement as he did in the soldier’s pension case, that he treated the soldier from 1906, for dysentery, and also states that at no time since September, 1906, has the claimant been able to do more than one-half the labor of an able-bodied man and since January, 1915, he has been totally incapacitated for manual labor by reason of rheumatism and dysentery.

The soldier filed the affidavits of two comrades to the effect that he was a sound man prior to enlistment and since discharge has been unable to work one-half the time and for the past few years has been entirely disabled.

In view of the soldier’s service in the Philippines and the evidence above cited, it is believed that he should be granted a pension of $20 per month, and it is so recommended.

H. R. 15998. John C. Brennesholtz, 2610 West Fortieth Street, Minneapolis, Minn., claims that he served in Capt. Freeman Talbot’s company of Le Sueur County, Minn., Volunteers, against Indians,
from August 24 to October 1, 1862, and that he also served in Captain Broach's company of militia from April 1 to October 1, 1863. (Indian War Surv. 18714.)

His claim under the act of March 4, 1917, was rejected by the Pension Bureau in November, 1923, because neither the official records of the United States, nor of the State of Minnesota, afforded evidence of service in the organizations alleged, and the best obtainable evidence failed to establish a pensionable service.

A report from the office of the adjutant general of Minnesota, dated July 20, 1923, states that the records of his office did not show that any soldier by the name of John C. Brennesholtz, nor Capt. Freeman Talbot, served in any Minnesota regiment in 1862. There has, however, been filed with the bill a certified transcript from the history of Nicollet and Le Sueur Counties by Hon. William G. Gresham, which states that during the Indian outbreak in 1862 Freeman Talbot was commissioned captain of a relief company to go to New Ulm, and also an extract from the history of Minnesota in the civil and Indian war to practically the same effect. There has also been filed a certified copy from a roster in the adjutant general's office in Minnesota which shows that F. W. Broach was captain of Company G of the Thirty-seventh Regiment in March, 1863. There has also been filed a transcript from Edward D. Neil's history of the Minnesota Valley stating that during the Indian outbreak Freeman Talbot was commissioned a captain of a company to go to the relief of New Ulm, and took an active part in the service. There was also filed in the pension claim an affidavit of W. W. Hodgkins, dated February 6, 1915, in which he stated that in 1862 the claimant lived near his home, and that between the 15th day of August and the 15th day of September the said Brennesholtz with others came to St. Peter in the organization of Freeman Talbot for the purpose of defending against the Sioux Indians, and that to the best of his information and belief he assisted and rendered service in said city between the above-named dates, in protecting the city and defending the inhabitants against the Sioux Indians.

There was also filed an affidavit of Luke Keogh, executed in February, 1915, in which he stated that he had known the claimant since 1861, and that he and the claimant were members of what was called Capt. Freeman Talbot's Cleveland company, who volunteered in Le Sueur County during the Indian outbreak in 1862; that he saw him with the company and while on picket duty, and knew that he served with the company, which was under muster and on duty for about a week after the witness joined it.

An affidavit of August C. Gieske was also filed in which he stated that the claimant from April to October, 1863, was a sergeant in Captain Broach's company in the Thirty-seventh Regiment, which was fully equipped for defense against Indian trouble, and was under orders for service in the Indian outbreak in Nicollet County, Minn.; that the claimant assisted captain in drilling the company, etc., and that the company was furnished with arms by the United States Government.

An affidavit of James H. Doty was also filed in which he testified that the claimant was a member of Captain Broach's company.
This claimant is 81 years of age, owns no real estate, but has outstanding accounts worth about $1,000, and he states his income is about $100 per year. Evidence shows that in addition to disabilities incident to advanced age, he is disabled by hernia of the right side. While there is no record or documentary evidence of the soldier’s service as alleged, it appears to be clear from the historical facts related that Capt. Freeman Talbot did have a company in service against the Sioux in the summer of 1862. There being no muster roll, the only way in which individual service in the company can be established is by parol evidence. The committee believes that the evidence on file is of such a character as to warrant the belief that he was an Indian war soldier who probably rendered as much service as some others who have been pensioned, and in view of his advanced age, it is recommended that he be granted a pension of $20 per month.

H. R. 16045. Sarah E. Sturgis, 2411 Prairie Avenue, Fort Worth, Tex., is the widow of Jacob Sturgis who served in Company A, Ninth Regiment United States Infantry, from January 3, 1876, to February 2, 1878, when honorably discharged, and who had prior service in the Regular Army from June 17, 1867, to June 17, 1870, and from December 2, 1870, to December 13, 1875. (I. W. Wid. Orig. 8568.)

The claimant was married to the soldier December 23, 1875, and he died March 1, 1909. She is now pensioned at $12 per month under the Indian war pension act of March 4, 1917.

She is 71 years of age, owns no property, and has no income except her pension, and has no relative who is able to contribute to her support to any extent, and a physician testifies that she is not able to perform labor on account of her age.

The committee recommends that her pension be increased to $20 per month.


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

He is now 76 years of age, and owns an equity in his home, a witness states, amounting to $1,500. The soldier states that the property is worth about $2,900, but mortgaged for $1,600, and that his income is his pension of $20 per month and $100 per year from other sources.

A physician testifies that for the past 3 years the soldier has been totally disabled to do any work, either at his trade or otherwise, and that his trouble is chronic arthritis of the spine and partial deafness.

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

H. R. 16200. Mary J. Marvin, Elmira, N. Y., is the dependent mother of Prof. Ross Marvin, who accompanied Commander Robert E. Peary on his polar expedition of 1908–1909, at the request of Commander Peary, and made the supreme sacrifice while in the line of duty.
Prof. Ross Marvin’s father died when he was six years of age, and inasmuch as he devoted his life to science, having been a professor at Cornell University prior to this expedition, he did not leave sufficient assets to take care of his mother.

Mrs. Marvin is entirely without funds to care for herself, and is now 87 years of age.

The following is an excerpt from Commander Peary’s letter of March 1, 1913, written to Mrs. Mary J. Marvin:

You can depend upon me to do all I can to assist in securing you a pension for your son’s death.

Great Britain’s action in regard to Scott and his men ought to be a strong argument in your favor.

Under date of September 29, 1926, the following editorial appeared in the New York World entitled “Justice to Ross Marvin”:

After 17 years we have the confession of an Eskimo that he murdered Prof. Ross Marvin of the Peary Arctic expedition, and the demand is being made that the Government accord some decent recognition to the dead man’s services and heroism. Whether he was murdered or not does not greatly affect the claim to recognition. Strangely enough there is a disposition to question the veracity of the Eskimo who makes the confession. Just what possible motive he could have for declaring himself a murderer the skeptics do not suggest.

But that aside, this is conceded, that Professor Marvin, an experienced Arctic traveler, accompanied Peary on his expedition, rendered services, risked and lost his life in the rendering. This and the fact that the Nation thus far has utterly ignored his sacrifice.

The head of the expedition was honored in response to a suggestion from Mr. Taft, then President. The widow of Admiral Peary was provided for out of the public funds, and this young professor, whose life devoted to science gave him a meager estate, and who left a mother dependent upon him, was neither given the honorable recognition he deserved nor monetary reward.

We agree with the aged mother of Professor Marvin that he was the “real hero of the expedition.” He did necessary work. He did the work that only a trained man could do. He gave his life, and it is sheer nonsense to explain the neglect of the Nation on the ground that “geographers and those interested in explorations” did not press his claims on Congress. That merely reflects on these men’s capacity for appreciation of heroic sacrifices. The truth is that this man’s claims were urged on Congress, which refused to act. It is time for it to act. A nation can always afford to do the decent, the natural thing.

The Member who introduced this bill prepared this report and can vouch for the statements made therein, and the committee accepted the same.

In view of this claimant’s great age, and that her son lost his life in the interest of science with the Peary Arctic Expedition, it is recommended that she be granted a pension of $50 per month.

H. R. 16314. Ida Ebner, Blackduck, Minn., is the widow of David Ebner, who served in Battery H, Fourth Regiment United States Artillery, during certain Indian wars, against the Northern Cheyenne and Sioux Indians. (I. W. W. Ctf. 11237.)

The soldier enlisted December 8, 1876, and was discharged July 16, 1877. He had a prior service in the regular establishment from September 14, 1871, to September 14, 1876.

The 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 May 19, 1888, and he died February 16, 1925.
It is shown by the evidence filed with the bill that she is 66 years of age, owns a dwelling house in a small town valued at $1,500, and that she has no income other than her pension of $12 per month and what little she can earn from renting rooms.

A physician states that the claimant looks much older than her age would indicate, that she is suffering from myocarditis, bronchitis, is an anemic, and at any time she attempts to work her limbs swell.

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