Calendar No. 495

78TH CONGRESS, 1st Session | SENATE | REPORT No. 492

HAROLD E. DALTON

OCTOBER 28 (legislative day, OCTOBER 25), 1943.—Ordered to be printed

Mr. ELLENDER, from the Committee on Claims, submitted the following

REPORT

[To accompany H. R. 1887]

The Committee on Claims, to whom was referred the bill (H. R. 1887) for the relief of Harold E. Dalton, having considered the same, report favorably thereon without amendment, and recommend that the bill do pass.

The facts will be found fully set forth in House Report No. 633, Seventy-eighth Congress, first session, which is appended hereto and made a part of this report, and your committee concur in the recommendations of the House.

[H. Rept. No. 633, 78th Cong., 1st sess.]

The Committee on Claims, to whom was referred the bill (H. R. 1887) for the relief of Harold E. Dalton, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

Page 1, line 6, strike out the sum "$18,000" and insert in lieu thereof the sum "$5,382.09".

At end of bill strike out period and add:

": *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The purpose of the proposed legislation is to pay to Harold E. Dalton, of Los Angeles, Calif., the sum of $5,382.09, in full settlement of all claims against the United States for personal injuries sustained when the automobile which he was driving was struck by a United States Forestry fire truck near Rialto, Calif., on October 20, 1938.

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STATEMENT OF FACTS

At about 11:40 a. m. on October 20, 1938, the automobile driven by Harold E. Dalton collided with a fire truck operated under the supervision of the United States Forestry Service near Rialto, Calif. The accident occurred at the intersection of Riverside Drive, on which the Government vehicle was traveling, and Highland Avenue, on which the private vehicle was being operated. The intersection is a blind one, intervisibility being restricted due to the presence of orange trees on three corners and a filling station on the fourth.

The Government driver, acting within the scope of his employment, was proceeding to a forest fire. It appears that his siren was sounding and his red lights burning, but that none of the occupants of the private vehicle heard the siren due to the strong wind that was blowing, nor did they have any knowledge of the approach of the fire truck until it was in the intersection.

Highland Avenue, on which the private vehicle was being operated, is an arterial thoroughfare, having the right-of-way, while Riverside Drive, on which the Government vehicle was traveling, is posted with stop signs where it leads into Highland Avenue.

The Government driver admittedly did not stop before entering the intersection, and in admitting liability on the part of the Government, the Department of Agriculture says, in its report:

"A preponderance of the evidence indicates that the driver of the privately owned vehicle exercised ordinary care in driving and was without knowledge that an emergency fire vehicle was approaching.

"It is apparent that the proximate cause of the accident was the Government driver's failure to heed the stop sign posted on the roadway he was traveling. The Department is, therefore, in agreement that the claimant should be recompensed for the amount of financial expenses and losses caused by this regrettable accident, as well as reasonable allowance for the physical pain, mental suffering and inconvenience he was undergone and which is still present though less intensive. From the best evidence obtainable actual and potential financial expenses and losses in connection with this case appear to be as follows:

Hospital and medical expenses to date	$2, 209. 59
Loss of time	3, 172. 50
Potential loss of retirement due to decrease in salary as result of physical disability growing out of accident, based on life expectancy of 15 years following retirement	1, 350. 00
Total	6, 732. 09

"As a member of the fire department, Long Beach, Calif., Mr. Dalton will become eligible in August 1944 for retirement on half pay. According to evidence his status is that of fireman at $200 per month, assigned to special duties. Prior to the accident he held the grade of engineer fireman, with prospects of advancement.

"The Department realizes that the figure indicated above as potential loss of retirement payment is entirely hypothetical since Mr. Dalton, except for this accident, may have been able after retirement to earn additional compensation in some other position; also his life expectancy would probably have been greater. In addition to the items referred to above, this Department feels that some allowance should be made for pain, suffering, and inconvenience.

"The Department recommends enactment of relief legislation in this case. In our opinion, however, the amount carried in the bill ($18,000) is excessive."

Your committee have thoroughly considered this matter, and have concluded to recommend payment of $5,382.09, representing $2,209.59 hospital and medical expenses and $3,172.50 loss of time, as recommended by the Department, but to delete the $1,350 representing potential loss of retirement, also recommended by the Department.

Your committee feel that the amount which they have recommended ($5,382.09) is reasonable, if not modest, in view of the admitted negligence of the Government, the absence of negligence on the part of the claimant, and the seriousness of his injuries.

Your committee, therefore, recommend favorable consideration of the bill as amended.

Your committee have in their files voluminous evidence, including numerous vouchers, receipted hospital and doctor bills showing hospital and medical

expenses amounting to $2,209.59. These are not included in this report for the reason that they are many and would only burden the report.

Appended hereto is the report of the Department of Agriculture, together with other pertinent evidence, all of which is made a part of this report.

DEPARTMENT OF AGRICULTURE,
Washington, April 22, 1943.

Hon. DAN R. MCGEHEE,
Chairman, Committee on Claims,
House of Representatives.

DEAR MR. MCGEHEE: Reference is made to your communication of March 8, 1943, addressed to Earle H. Clapp, Acting Chief, United States Forest Service, requesting report on H. R. 1887 for the relief of Harold E. Dalton, of Los Angeles, Calif., in the sum of $18,000, on account of personal injuries sustained by him on October 20, 1938, when the automobile he was driving collided with a fire truck operated under the supervision of the United States Forest Service near Rialto, Calif. The language of the subject bill is identical with that of S. 2576, introduced June 4, 1942, in the Seventy-seventh Congress, second session, on which this Department submitted a report to the Senate Committee on Claims on September 24. 1942.

The facts and circumstances regarding the accident are briefly as follows:

The accident occurred about 11:40 a. m. at the intersection of two 22-foot asphalt highways with dirt shoulders flanking the paved portion, making the over-all width of the roadways approximately 60 feet. At the intersection, the width of each road is greater since the corners are cut back to form a so-called apron. Measurements taken after the accident indicated that 75 feet back from the intersection intervisibility was restricted to approximately 75 feet, this increasing as drivers approach the intersection to a distance of several hundred feet. The intersection is described as a blind one due to the presence of orange trees on three corners and a filling station on the fourth. The Government driver, a forest guard, acting within the scope of his employment, was proceeding to a forest fire, allegedly with siren sounding and red lights burning, the vehicle he was driving being a Forest Service fire truck, equipped with necessary warning devices. According to the evidence none of the occupants of the private vehicle heard the siren due perhaps to the strong wind which was blowing, nor did they have any knowledge of the approach of the fire truck until it was in the intersection. Considerable conflicting evidence was presented as to the speed of the two vehicles just prior to and at the time of the collision, but the undisputed facts in the case appear to be as follows:

Prior to the moment of impact the Government-owned vehicle, weighing approximately 8 tons, was proceeding in a southerly direction on Riverside Drive and approaching the intersection of Highland Avenue, while the private automobile was approaching the intersection from the east on Highland Avenue, which is a through boulevard with a speed limit of 30 miles per hour at its intersection with Riverside Drive. The latter road is posted with stop signs where it intersects with Highland Avenue. The Government driver admittedly did not stop before entering the intersection and neither driver yielded to the other at the intersection, with the result that the front end of the private vehicle collided with the left side of the Government truck, the point of impact being approximately 1 foot north and 1 foot west of the center of the intersection. Leading up to the point of impact, there was a brake mark 6 feet long left by the private vehicle. This mark ran on an angle from northeast to southwest, indicating that a short distance before collision the car had been turned slightly to the left. At point of collision the right front of the private car struck the Government truck at an angle of approximately 60°, just behind the left front fender, causing considerable damage to both vehicles. The Government vehicle came to rest on its left side of the roadway 83 feet from point of impact, headed southeast. Th private car was spun around to the rear of the Government truck counterclockwise, coming to rest in an upright position 42 feet south and slightly west of the point of impact. As a result of the accident Harold E. Dalton, 39 years of age, was seriously injured; George Louis Rowland, a passenger in the private care, and Thomas Grubb, one of the crew of the fire truck, were fatally injured.

The record indicates that the Forest Service fire dispatcher at 10:55 a. m. telephoned the camp at which the fire truck was stationed and directed that the truck and crew be "ready to roll" to a forest fire on Baldy Mountain. The camp boss had lunch served to the crew before they departed for the fire, consequently actual departure was not until approximately 41 minutes after receipt of the dispatcher's call, indicating that the emergency was not sufficient to require disregard of highway safety factors in operating the fire truck. On consideration of the claim for damage to the private vehicle involved in this accident under the act of December 28, 1922 (42 Stat. 1066), which was approved in the sum of $450, it was the Department's conclusion that the Government driver was guilty of the negligence and caused the damage, in failing to exercise due regard for the safety of others when he neglected to stop the vehicle and maintain a proper look-out before proceeding into the blind intersection. A preponderance of the evidence indicates that the driver of the privately owned vehicle exercised ordinary care in driving and was without knowledge that an emergency fire vehicle was approaching.

It is apparent that the proximate cause of the accident was the Government driver's failure to heed the "stop" sign posted on the roadway he was traveling. The Department is, therefore, in agreement that the claimant should be recompensed for the amount of financial expenses and losses caused by this regrettable accident, as well as reasonable allowance for the physical pain, mental suffering, and inconvenience he has undergone and which is still present though less intensive. From the best evidence obtainable actual and potential financial expenses and losses in connection with this case appear to be as follows:

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As a member of the Fire Department, Long Beach, Calif., Mr. Dalton will become eligible in August 1944 for retirement on half pay. According to the evidence his status is that of fireman at $200 per month, assigned to special duties. Prior to the accident he held the grade of engineer fireman with prospects of advancement.

The Department realizes that the figure indicated above as potential loss of retirement pay is entirely hypothetical since Mr. Dalton, except for this accident, may have been able after retirement to earn additional compensation in some other position; also his life expectancy would probably have been greater. In addition to the items referred to above, this Department feels that some allowance should be made for pain, suffering, and inconvenience.

The Department recommends enactment of relief legislation in this case. In our opinion, however, the amount carried in the bill is excessive.

There are attached for the information of your committee copies of the important papers pertaining to the case.

The Bureau of the Budget advises that, not only would the payment of $18,000 as proposed by the bill not be in accord with the program of the President, but that a payment of as much as $6,732.09 would appear somewhat liberal in view of the fact that the claimant has sufficiently recovered from his injuries to enable him to resume work at a compensation of $200 per month and will become eligible next year for retirement on half pay.

Sincerely,

PAUL H. APPLEBY, *Under Secretary.*

STATEMENT OF HAROLD E. DALTON, LONG BEACH, CALIF.

I am 39 years of age. My occupation is that of fireman with the Long Beach, Calif., Fire Department. On October 20, 1938, I was the registered owner of a 1937 Plymouth sedan motor No. P–4354096, serial No. 3190942. On October 20, 1938 at about 12 o'clock noon while driving the above-described automobile, I was involved in an accident at the intersection of Highland Avenue and Riverside Avenue, which intersection is located in county territory near Rialto, Calif. The other vehicle involved in the accident was a fire truck owned by the United States Forestry Department. At the time of the accident I was driving my car. In the front seat to my right was George L. Rowland, my nephew, and on the rear seat, Mr. and Mrs. A. C. Work, of 221 West Third Street, Long Beach, Calif. We

were returning from a pleasure trip to Lake Arrowhead. I had taken Mr. Rowland and Mr. and Mrs. Work to Lake Arrowhead where I have a cabin and where we had spent the night. I had paid all the expenses of the trip and none of my passengers were paying me anything for the trip. The weather was clear, the surface of the highway well paved and dry, and visibility was good. There was, however, a strong wind blowing; for that reason I had all the windows of the car closed with the exception of the window in the left front door. I was absolutely sober, had not had anything of an alcoholic nature to drink and neither had any of my passengers to my knowledge had anything of an alcoholic nature to drink. I was giving strict attention to my driving and at no time did any of the occupants of my car object in any way to the manner in which I was driving.

I was particularly careful on this trip for the reason that Mrs. Work is subject to illness caused by the high altitude in the mountains. I was proceeding in a westerly direction on Highland Avenue and my greatest speed within the block approaching Riverside Avenue did not exceed 30 miles per hour. As I approached the intersection I observed that there was an orange grove at the northeast corner of the intersection which obstructed my view of the north. I therefore took my foot off of the foot throttle and upon my close approach to the intersection I looked toward both the north and south but did not see any vehicles approaching from either direction. As my car entered the intersection I for the first time observed the fire truck which was southbound on Riverside Avenue. I am unable to state how fast the fire truck was traveling. It was traveling at a speed much faster than the speed of my car, which at that time was not more than 30 miles per hour. I immediately realized that the driver of the fire truck was not going to stop at the boulevard stop sign before entering the intersection. I therefore as quickly as possible swerved to my left in an effort to avoid the accident and the left front of my car was in the southwest quarter of the intersection when the left front of the two vehicles collided. I was very seriously injured in the accident and therefore my recollection of what occurred after the impact is very hazy.

I am definitely of the opinion that the driver of the southbound fire truck was entirely to blame for the accident by reason of the fact that he was driving a truck at an excessive rate of speed at a dangerous intersection where north and southbound vehicles are required to stop before crossing Highland Avenue which is an arterial highway protected by boulevard stop signs. I am positive that the fire-truck driver did not make a boulevard stop before entering the intersection. I at no time prior to the accident heard any warning of the approaching fire truck, such as screeching of brakes, sounding of his siren, nor any other type of warning. None of the occupants of my car indicated in any way that they had seen the fire truck before we were struck. I have read the three typewritten pages of this statement and the same is true and correct to the best of my knowledge and belief.

HAROLD E. DALTON.

NELLIE DALTON,
Witness.

AFFIDAVIT OF ELLEN WORK

STATE OF CALIFORNIA,
County of Los Angeles, ss:

Ellen Work, being first duly sworn, deposes and says:

That I am over the age of 21 years and reside with my husband, A. C. Work, at 221 West Third Street, Long Beach, Calif.

That on October 19, 1938, my husband and I left Long Beach with Harold E. Dalton and George L. Rowland and had gone to Lake Arrowhead, Calif., where we spent the night at Mr. Dalton's friends' cabin. On the return trip to Long Beach on October 20, 1938, I was sitting in the rear seat of the automobile operated by Mr. Dalton, which was a Plymouth sedan, directly behind Mr. Dalton, and my husband was sitting on my right directly behind Mr. George L. Rowland, the nephew of Mr. Dalton, who was sitting in the front seat to the right of Mr. Dalton.

About 12 o'clock noon on October 20, 1938, at the intersection of Highland Avenue and Riverside Avenue, which intersection is located near Rialto, Calif., Mr. Dalton's car, traveling in a westerly direction on Highland Avenue, came into collision with another automobile—a fire truck—which, I understand, was owned by the United States Forestry Department and which was traveling south on Riverside Avenue.

The weather was rather cool and there was a very strong wind blowing, which was almost a gale. The wind was blowing to the south and because of the wind and also because of the trees located on the north side of Highland Avenue and on the east and west side of Riverside Avenue near the intersection above referred to, any sound which might have been made by the fire truck as it approached the intersection would go directly down Riverside Avenue and could not be heard on Highland Avenue. The windows were all closed because of the wind, except the one on the left front door.

All parties in the car were absolutely sober and to my knowledge no one had had a drink of an alcoholic nature on either October 19 or October 20.

Mr. Dalton was driving the car in a westerly direction on Highland Avenue and to my belief at the time of the accident, was not driving at a speed in excess of 28 to 30 miles per hour. There had been no conversation by Mr. Dalton with any of the passengers, or by any of the passengers between themselves for at least several hundred feet prior to the entry of the Plymouth into the intersection. Just after the Plymouth entered the intersection, I observed the fire truck south bound on Riverside Avenue, but it had not as yet entered the intersection. I should say it was coming at a speed in excess of 50 miles per hour when I first observed it. Mr. Dalton swung his car to the south, seemingly in an attempt to avoid a collision, but the fire truck was coming too fast and was traveling well into the center of the road, and, therefore, the accident could not be avoided by Mr. Dalton.

I know that the fire truck did not stop at the boulevard stop sign on Riverside Avenue before entering the intersection, and I believe that the fire truck was on the wrong side of the street at the time of the accident. Prior to the accident we heard no warning sound of any kind of the approach of the fire truck which would be caused either by the application of brakes or the sounding of a siren either, or other type of warning, and I am of the opinion that none of the occupants of our car heard any sounds emanating from the truck.

I have examined the map marked "Exhibit No. 1" and the photographs, "Exhibits Nos. 2, 3, 4 and 5," and believe them to be an accurate representation of the area portrayed and that the photographs show the area in substantially the same condition it was on the date of the accident, and I have also read the legend on the back of the photographs and believe the photographs were taken at the place indicated by this legend.

I was injured in the accident, although not as seriously as Mr. Dalton.

ELLEN WORK.

Subscribed and sworn to before me this 13 day of December 1939.

[SEAL] FLOREINE BRUNYER,
Notary Public in and for the County of Los Angeles,
State of California.

LONG BEACH, CALIF., *January 30, 1942.*

Re Harold Edward Dalton.

The above patient received a severe dislocation of the cervical spine with almost complete body paralysis on October 20, 1938, but was not brought under my care until November 26, 1938, having been taken care of until that time by Dr. R. A. Vargas, San Bernardino, Calif. Dr. Vargas wrote me a very detailed account of the patient's injuries and progress during this period and a copy of this letter follows:

"For your personal information and records I beg to state the records and impressions in the case of Mr. Harold E. Dalton, of 1919 East Fourteenth Street, Long Beach, Calif.

"The patient is a single man, 38 years of age, fireman by occupation, who was injured in an automobile collision about 11 a. m. on October 20, 1938. Following the injury there was paraplegia, with tingling in his arms and marked weakness of arms and hands. He also described a bandlike sensation about the chest, at about the level of the xyphoid. He had a severe laceration up in the right occipital region and once just beneath the chin. He complained of stiffness and pain in the next on motion.

"X-rays of the cervical spine on admission to the hospital show a 'posterior dislocation of the sixth cervical vertebra on the fifth, about 50 percent in extent, without evidence of fracture, and with paralysis below this point.' Following manipulation and attempted reduction and extension, the intervertebral spaces are increased, and the angulation and alignment is improved. Dislocation is about 25 percent at this time.

"Condition at this time was very grave, and consultation with Drs. F. E. Clough, of San Bernardino, and Carl W. Rand, of Los Angeles, was held on the evening of October 21, 1938. Quoting from the report made by Dr. Rand at this time, 'It was evident that this man had a fractured dislocation of the sixth cervical vertebra as described above. There was evidence of severe injury to the spinal cord, this taking the form of an atypical Brown-Sequard lesion. It should also be stated that he sustained a laceration of the scalp high up in the right occipital region. The type of cord injury would suggest bruising and homatomyelia, the main hemorrhage in the cord being on the right side. Because his tissues would not stand further skeletal traction with the halter it seemed advisable to apply a pair of Crutchfield tongs for skeletal traction.'

"Findings before application of the tongs were as follows: 'Complete paraplegia. Patient was able to raise the left arm from the shoulder, flex and extend the forearm, but had not power on the intrinsic muscles of the hand. On the right, he could raise the arm from the shoulder, could flex the forearm, but could not adduct the arm at the shoulder or extend the forearm. Heretofore there was complete paralysis of the small muscles of the hand. From a sensory standpoint he showed an atypical Brown-Sequard lesion corresponding closely with the fifth or sixth cervical dermatome. The sensory changes were greater on the left than on the right. He could everywhere feel touch over both upper and lower extremities. The ability to recognize heat and pain, however, were lost on the left but present on the right. Reflexes: Superficial: The abdominal and epigastric reflexes were not obtained. Deep: The right biceps jerk was lost, the left present. Triceps jerks lost on both sides. The right knee jerk was active, the left hyperactive. Tendon Achilles jerks sluggish, but obtained; seemed about equal. There was a bilaterally Babinski sign. No Oppenheim, Gordon, or ankle clonus on either side. He had retention of urine.'

"X-rays taken immediately after application of tongs showed on October 22, 1938: 'Following extension at this time the posterior displacement of the 6th cervical vertebra is not so marked and alinement is better.' Subsequent X-rays taken on October 27 and on November 2 show the same thing.

"His general condition following the accident was bad, patient showing cyanosis at times and respiration becoming embarrassed. His abdomen was markedly distended and on October 22 patient was vomiting a great deal. Patient was put on pituitrin and on the following day he began to pass flatus and distention became slightly diminished. Following that flare-up the patient's condition began to improve until October 30 when patient began to run a septic temperature. Urine analysis showed a 1+ albumin, with a few pus cells and casts. On the following days he developed edema of the lower extremities and his condition became much worse. On November 4, at the request of the family, Drs. E. L. Tisinger and J. N. Martin were called in on consultation. Condition due to ascending-urinary-tract infection, with damage to kidney. Prognosis seemed very poor at the time. Attempts to establish an automatic bladder had failed right along in view of the fact that there was too much sensation present and when bladder became greatly distended, patient was in acute distress. Bladder irrigations with 5 percent solution of argyrol had been carried out routinely in an effort to control the bladder infection, as we had a retention catheter in. Repeated attempts to establish automatic bladder continued and finally on November 7 patient began to void voluntarily. On November 8 the weights were taken off during the day and replaced at night. Patient's condition began to improve. On November 12 patient complained of severe pain in lower abdomen, became nauseated and was unable to take any food. Examination at this time revealed marked tenderness over gall-bladder region and more marked over appendix region. There was slight rigidity over the right rectus. White and differential counts were taken showing a marked leucocytosis, 19400, with 88 percent polys. However, in view of the bladder infection, and his general condition, conservative steps were taken. Ice bags were placed over the abdomen and patient kept quiet with sodium amytal. On the following day patient's condition was much improved and 2 days later seemed to have completely recovered from the upset. On November 14 cast was applied about head, neck and chest. Condition was better and the bladder infection appeared to be subsiding. Since November 16 patient has improved remarkably, his attitude is remarkably better and he has been able to help himself considerably. Patient at present is moving his left arm freely, flexing and extending forearm, moving his hand and fingers and performing some skilled movements with his left hand. His right upper extremity has shown no change other than atrophy of the muscles, including the intrinsic muscles of the hand. He is moving his left lower extremity

freely, flexing knee, ankle, and toes. His right lower extremity also has shown considerable improvement, patient now being able to flex knee and ankle, and has some motion of the toes. He has markedly exaggerated reflexes with clonus on both sides, but more markedly on the right. He is voiding freely and his edema has completely subsided. He is on a general diet now and has been sitting up in bed with his feet dangling over the edge for the past 2 days. He states that he feels much stronger and his outlook is very much better. His chin, where the halter traction caused an abrasion, with sloughing later is being treated with 2 percent solution of gentian violet and appears to be healing satisfactorily. At present he is receiving no other medication than citrocarbonate after his meals, and occasional sedation of sodium amytal, grains 3, at night. Throughout the course of his condition opiates have been used very sparingly, and only when conditions absolutely demanded it.

"In conclusion, I feel that in view of the remarkable improvement of the patient in the past week and in view of the progress of his condition, his prognosis appears rather favorable, and I have reason to believe that there shall continue to be considerable improvement. Because of the nature of the case and the fact that no effort has been spared for the welfare of this patient, I would be most grateful, if at your convenience, and from time to time, you would keep me posted on his progress."

Patient's condition progressed satisfactorily, and my file shows that on December 7 I was able to make the following report with respect to his progress.

"Upon arrival here, we first took X-rays through the cast, and, by comparison with these X-rays sent by you, found that the reduction which you had secured was being maintained satisfactorily in the cast. We, therefore, moved him from the hospital to a convalescent home, which he finds more pleasant, and he is getting along very comfortably and happily.

"He has retained practically normal control of bowel and bladder, and his general condition is excellent. All muscles in the left upper and lower extremities are present with good voluntary control. The greatest improvement since his arrival here has been in the right lower extremity, where he has now regained very good use of the quadriceps, ankle dorsi-flexors, and toe extensors, these being particularly weak when I first saw him. A threatened Achilles contracture on the right has been prevented by a simple posterior splint. The right upper extremity shows improvement, but considerably less marked and I am afraid there will be considerable permanent paralysis here, particularly of the wrist and finger extensors. The only persisting anesthesia is over the dorsal surface of the right ring and middle fingers. His present condition as compared to your description of what it was originally makes this the most remarkably complete recovery from such an injury it has ever been my pleasure to witness."

Again, on April 25, 1939, I summarized his progress during the interim as follows:

"Plaster cast was removed and replaced with a spinal neck brace on January 17. Since that time there has been excellent recovery of the strength and use of the left arm and leg. Patient is now able to walk and get around for a period of 2 or 3 hours a day, but still with considerable weakness in the right lower extremity, some degree of which will be permanent in my opinion. There has been a return of some power in all affected muscles in the right upper extremity, but not to the point of normal strength. Also, there is some limitation of motion in the right shoulder, particularly in the range of abduction. It is my opinion that a considerable degree of weakness in the right upper extremity will prove to be permanent.

"It has become possible for him to be around part of the time without wearing his neck brace, since our X-ray of April 6 shows that a good bony bridge has formed between the fifth and sixth cervical vertebrae which is where the dislocation occurred.

"Pyelitis and cystitis, secondary to the paralysis, have given us a great deal of trouble through about the last 2 months. Dr. P. P. B. McElhinney, urologist, is treating him for the same.

"While this patient is going to be able to get around and lead a fairly active private life, it is my belief that he will no longer be able to follow any gainful occupation."

Patient was dismissed to his home on May 6, 1939, reporting once to the office on May 19 and again on September 15. He was not seen from that time again until the 15th of September 1941, when he was reexamined at my office. I again quote a summary of my findings with respect to his progress in the interim:

"History (since last seen on September 15, 1939): Patient states that he returned to work shortly after he was last here and that he has continued at light

duty since; he has never returned to his regular occupation of fireman-engineer. He states that he has made a great improvement under regular treatments by William Kenney, physiotherapist, but that he still does not have complete control over the action of his right hand and right leg, that the toes of his right foot cramp, that there is a slight loss of motion in the right shoulder, and that there is still some stiffness in his neck. He states also that he has little control over his bowels and that he must take laxatives regularly. He states that both legs swell due to a kidney condition.

"Examination: Right upper extremity—There is now no atrophy of the upper arm and forearm, but there is still quite marked atrophy of the intrinsic muscles of the right hand, and moderate weakness in the extensors and deficient coordination. There is no sensory loss. Dynanometer reading R125/L150.

"Lower extremities: Dorsiflexion of the right ankle is limited by 10°, and there is moderate weakness in the ankle extensors.

There is no atrophy or sensory loss.

"Reflexes: Biceps—left, active; right, hyperactive with overflow into the wrist and finger flexors. Triceps—right and left, hyperactive. Patellar and Achilles'—right and left, hyperactive, but still more exaggerated on the right with some ankle clonus.

"Comment: Patient has made an unusually good recovery from an injury of such seriousness. There remains some weakness and incoordination in the right upper and lower extremities sufficient to prevent his return to the type of activity required by his former occupation. It is probable that the condition as now found is stationary and permanent."

As you can see this man received a very serious and dangerous injury, consisting of a dislocated neck with injury to the spinal cord and almost total paralysis, and has been over a long road to reach the stage of recovery such that he can now do some forms of light work. He has cheerfully tolerated uncomfortable and drastic methods of treatment and, to a great extent, because of his cooperation in rehabilitating himself, has made a much greater degree of recovery than does the average case of such spinal-cord paralysis. However, there remains weakness and incoordination in his neuromuscular system such that he can never return to his former occupation and must be content to earn his living in such occupations as are suitable to his physical condition.

Very truly yours,

T. K. Farnsworth, M. D.