

DR. DANIEL M. APPEL.

MARCH 17, 1882.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. SPAULDING, from the Committee on Indian Affairs, submitted the following

REPORT:

[To accompany bill H. R. 773.]

The Committee on Indian Affairs, to whom was referred the bill (H. R. 773) for the relief of Doctor Daniel M. Appel, respectfully report:

This bill has passed the Senate at the present session, and the report of the Senate Committee on Military Affairs is adopted by your Committee. Attention is also invited to the accompanying statements of Lieutenant-Colonel Dudley and Captain Purington, of the Ninth Cavalry.

This is a bill to authorize Asst. Surg. Daniel M. Appel, of the United States Army, to receive pay for services rendered as a physician at the Mescalero Apache Indian Agency, New Mexico, from January 1, 1877, to March 31, 1879, at the rate of \$50 per month.

From the evidence presented it appears:

1. That the services were rendered in good faith by Dr. Appel under an agreement with the agent at the Mescalero Apache Indian Agency.
2. That it was impracticable to obtain the services of any other physician, and that Dr. Appel was compelled to travel thirty-five or forty miles from his regular station, Fort Stanton, New Mexico, through a dangerous country, at his own expense, in order to render this service.
3. That notwithstanding this arduous service, Dr. Appel at no time neglected his duty as a medical officer of the Army, but made professional visits to the Indian Agency *only* at such times as would not interfere with his duties at Fort Stanton, and *always* with the *permission and approval* of the commanding officer of that post.

The just and equitable right to payment for such services has already been recognized and determined by Congress in similar claims of Asst. Surg. Thomas F. Azpell, United States Army, by act approved January 16, 1877, and Asst. Surg. J. A. Fitzgerald, United States Army, by act approved March 1, 1879.

The Army Regulations, which are sanctioned by and have the effect of law, prescribe the duties of medical officers of the Army as follows:

"Medical officers, *where on duty*, will attend the officers and enlisted men and the servants and laundresses authorized by law, and at stations where other medical attendance cannot be procured without great expense or inconvenience, and on marches, the *hired men of the Army* and the families of *officers and soldiers*."

The committee recommend that the claim of Dr. Appel be allowed, as, in addition to all of the duties devolving upon him as a medical officer of the Army, he responded to the calls made upon him for his professional services at the Indian agency, thirty-five or forty miles distant from his station, in the same manner as any private physician would have responded, and as medical officers are frequently called upon *when serving at frontier posts in cases of emergency and in the interests of humanity*.

The location or residence of the nearest private physician to the Mescalero Agency was about 140 miles distant.

The services rendered by Dr. Appel, at great personal risk and at his own expense,

and for which this moderate compensation is asked, would have cost the government at the lowest calculation twice the amount claimed if a physician had been appointed for service at the agency, and at the least calculation five times the amount had the nearest private physician been called.

For all these reasons it seems just that the bill should pass, and Dr. Appel be allowed to receive the pay agreed upon, notwithstanding the provisions of section 1765 of the Revised Statutes.

FORT STANTON, NEW MEXICO,
July 21, 1879.

I hereby certify that I was in command of the post of Fort Stanton, N. Mex., from April 5, 1878, until March 8, 1879, and that during that time Assistant Surgeon D. M. Appel was my post surgeon; that Acting Assistant Surgeon W. B. Lyon was absent during the great part of said time, and that, to my knowledge, there was no other physician within ever one hundred miles of the post.

That during that time Dr. Appel was frequently called to attend patients at the Mescalero Apache Indian Agency, and as his services were urgently required, and I deemed it an act of humanity, I gave him permission to go whenever it did not interfere with his duties; that on these visits he was required to travel alone, at all hours of the day and night, through an unsettled and dangerous region, over a distance of seventy-six miles, using his own private conveyance; and that, in my opinion, his visits to the agency were just such professional visits as he would make to other patients not belonging to the Army, and he is unquestionably entitled to compensation for his extra services.

N. A. M. DUDLEY,
Lieutenant-Colonel Ninth Cavalry.

FORT BAYARD, NEW MEXICO,
January 2, 1880.

I certify that during the years 1876, 1877, and 1878, Dr. D. M. Appel was post surgeon at Fort Stanton, N. Mex. During this time he was sent for frequently to visit the Mescalero Indian Agency, for the purpose of attending sick and wounded Indians. The distance between the post and the agency (forty miles) was traveled by Dr. Appel at all hours of the day and night, and during inclement seasons of the year, and through a very dangerous country. There being no other physicians in the country but Army surgeons, great suffering would have resulted if Dr. Appel had not responded to these calls. These visits were made in the doctor's own conveyance and at his own expense. None of his duties at the post were neglected on account of these visits.

GEO. A. PURINGTON.
Captain Ninth Cavalry.