

JAMES TURNER.

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APRIL 17, 1888.—Committed to the Committee of the Whole House and ordered to be printed.

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Mr. YODEE, from the Committee on Invalid Pensions, submitted the following

R E P O R T :

[To accompany bill H. R. 964.]

*The Committee on Invalid Pensions, to whom was referred the bill (H. R. 964) granting a pension to James Turner, submit the following report :*

This soldier enlisted at Toledo, Ohio, May 31, 1867, for service in the United States regular Army, and was assigned to duty in Company H, Twelfth Regiment United States Infantry, at Fort Yuma, Cal. He was discharged from said service on the 31st day of May, 1870, by reason of "disability and expiration of term of service," as set forth in his discharge paper now before the committee.

His claim for pension was filed with the Commissioner of Pensions in 1882 on the grounds of "gunshot wound in the right thigh and injury of eyes caused by exposure." He claims the "injury to eyes" was contracted about January 1, 1868, on account of exposure while on guard duty during stormy and cold weather, and that he received the "gunshot wound" while on duty as one member of an escort to a wagon train at Apache Pass, Arizona Territory, about September 15, 1869.

The evidence of the continuous existence, since discharge, of both these grounds, now on file in the Pension Bureau, is very convincing and conclusive; and their present existence is admitted by the Commissioner of Pensions in his letter to the claimant, of date December 2, 1887, which states in substance—

That the evidence now on file in the claim is deemed sufficient to establish the present existence of the disabilities upon which the pension is claimed.

The only ground of rejection by that office is, that claimant is unable to furnish the evidence of a commissioned officer of his company, or in lieu thereof of two or more comrades of his company, to establish the fact of origin in the said service of the alleged disabilities.

The claimant gives as a reason for this that when he incurred the disease of eyes, it came as the result of a severe cold, contracted while he was standing guard in cold and stormy weather, and finally culminating in a catarrh which affected his eyes and became chronic (the officers of the company, so far as they speak upon the subject at all, simply have "no recollection" about it); and that when he received the "gunshot wound" his company officers were not with the escort; that he was one of a detail made up of soldiers from various companies and under the command of a sergeant, and they were at a distance from the company when he was shot.

Neither the company officers nor the company records dispute the facts asserted by the soldier, but are merely silent.

The claimant himself testifies fully and clearly to the origin of the disabilities in the service. The evidence since discharge shows conclusively that when he returned home he was suffering from both of them. He is further sustained by the sworn statement of William H. Sloan, late second lieutenant Twelfth Regiment United States Infantry, on file in the said case, as follows :

This is to certify that I was stationed at Fort Yuma, Cal., in the fall of 1869, while Private James Turner of the Fourteenth Regiment United States Infantry was under treatment in the hospital at that post.

(N. B.—The Twelfth and Fourteenth Regiments had then been consolidated, and the company books of Turner's company do not show that he was in the said hospital.)

Claimant is further sustained by the evidence of Elias Perry, now of Defiance County Ohio, whose affidavit is also on file, as follows :

That he [Perry] was at Fort Yuma, Cal., about the last of May, 1869, and there was engaged as a teamster for the Government; was at said Fort Yuma about six months; during which time he saw said James Turner in the hospital at said fort, saw that he was wounded in the right leg, meaning said Turner's right leg, just below the thigh, with a gunshot; that he was badly wounded, and much reduced in flesh and strength, and at the same time was afflicted and suffering much pain with inflammatory sore eyes and almost blind.

Claimant is still further sustained by the evidence of William H. Long, now also of Defiance County, Ohio, on file in said claim, who testifies, substantially, that some time from April to August, 1869, at different times, he saw said Turner in the hospital at Fort Yuma, Cal., and that he was suffering from sore eyes and gunshot wound in right leg at said time; that he [Long] was in the employ of the United States Government as a teamster at the time; that the gunshot wound was received by Turner in battle with the Indians at Apache Pass, Ariz.

The evidence of these witnesses, who, while not technically members of claimant's company and regiment, were nevertheless in the Government employ at the time, coupled with the fact that the soldier did have the wound and the sore eyes, and was in the hospital on account thereof at Fort Yuma at the time he says he was, and still has and suffers from those evidences of his hard service, seem to your committee very clearly and satisfactorily to establish the further fact that the said disabilities did originate in the service and line of duty, as averred by the claimant.

This view is strengthened also by the character of the claimant as vouched for in his discharge, which sets it forth as being "good," and believing that he states truly the facts of his service as well as his injuries, your committee therefore recommend the passage of the bill.