

JOHN MAGHER.

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

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

REPORT:

[To accompany bill H. R. 888.]

The Committee on Pensions, to whom was referred the bill (H. R. 888) granting a pension to John Magher, have considered the same, and submit the following report:

The claimant served as a private in Company K, Tenth United States Infantry, from September 12, 1855, to September 12, 1860. He claims pension for rheumatism, scurvy, and diseases of lungs and kidneys, resulting from the exposures and hardships of his military service.

His testimony filed in his pension claim satisfactorily establishes the continued existence of his disabilities from the time he took up his residence in the State of New York, about 1865, and he showed, by his own affidavit, that he was unable to furnish the testimony of his officers or surgeons to prove his disabilities, and that for the first four years after his discharge he lived within a few miles of Fort Garland, Colo., with no near neighbors or others whose testimony can now be secured to show his physical condition for that period. His claim was rejected by the Pension Bureau on the ground of no record and no satisfactory evidence of the alleged disabilities in service, or for six years after date of discharge.

An examination of the records of the War Department and of executive documents relating to the regiment in which soldier served from 1855 to 1860, show that he participated in the severities and hardships of the Spirit Lake expedition against the marauding Indians in 1856, and of the expedition against the Mormons in Utah Territory in 1857-'58. Concerning the first of these expeditions, on which claimant contracted the seeds of his disabilities, Capt. B. E. Bee, of the Tenth United States Infantry, makes the following statements:

[Extracts from Ex. Doc., page 350 of vol. 2, part 1, Thirty-fifth Congress, first session.]

The season was unpropitious for military operations; the snow lay in heavy masses on the track which I was following (a long and circuitous route down the valley of the Minnesota), but these masses were thawing and could not bear the weight of the men. * * * It necessitated wading through deep drifts, cutting through them with the spade and shovel; extricating mules and sleighs from sloughs, or dragging the latter up steep hills or over bare spaces of prairie; the men were wet from morning to night, and sleeping on the snow. Such were the obstacles encountered while still on the beaten track.

Again he states of a later part of the expedition :

I was in a country destitute of provisions; behind me, and separating me from the few supplies I had was the Des Moines River, rapidly rising. These conditions, joined to the fact that my men were jaded and foot-sore from a march of 140 miles, the difficulties of which I have but feebly portrayed; that I had no saddles for my mules, and that only thirteen of them could be ridden, all these induced me to return, mortified and disappointed, to my camp.

There has been filed with the committee the affidavit of a comrade of claimant, William Keelay, who testifies that the claimant was sound and rugged at enlistment; that he was subjected to unusual and severe exposures in the winters of 1855, 1856, 1857, and 1858, in the blizzard weather of the then Territory of Minnesota; that claimant complained of rheumatic pains and debility and became thin and haggard, and deponent nursed him. Deponent did not go on the Utah expedition and did not see claimant again in service.

The records of the post hospitals at Forts Ridgely and Snelling show claimant treated for typhoid fever, catarrh, and malarial fever in 1855 and 1856.

The Oneida examining board in November, 1882, find the claimant disabled by disease of heart, from rheumatism, and attribute his disability to "scurvy and lack of proper food, and the exposure while in service."

Disease of lungs since 1869 is shown also by medical evidence.

The claimant is represented to your committee as a man of integrity and truth.

Your committee recommend that the bill do pass.