

J. W. BOYD.

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FEBRUARY 6, 1889.—Committed to the Committee of the Whole House and ordered to be printed.

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

## REPORT:

[To accompany bill S. 3617.]

The Committee on Invalid Pensions, to whom was referred the bill (S. 3617) granting a pension to J. W. Boyd, submit the following report:

The committee have carefully examined this case, and they fully agree with the Senate report hereto and made a part hereof, and recommend that the bill do pass.

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[Senate Report No. 2451. Fiftieth Congress, second session.]

The Committee on Pensions, to whom was referred the bill (S. 3617) granting a pension to J. W. Boyd, have examined the same, and report:

According to the reports of the Adjutant-General, Johiel W. Boyd, the claimant in this case, was first enrolled at Fort Snelling, Minn., in Company I, First Minnesota Regiment, on the 26th of May, 1861; and that he was again enrolled at Faribault, Minn., Company C, Sixth Regiment Minnesota Volunteers; that he joined Colonel Sibley's Indian expedition at Saint Peter and was in several engagements with the Indians; that he was discharged on surgeon's certificate of disability March 13, 1863.

He claims a pension on the ground that he was disabled while in the service with hernia and epileptic fits; and the Pension Office letter says the rejection was because he had both of these disabilities before he enlisted. The only proof to support this decision is the certificate of discharge and an affidavit brought out by a special examiner, in which the affiant testifies that he had hernia and epilepsy before enlistment. This witness signs with a X mark, and his statements are in form and substance such as a man without education would not make without prompting.

A brother of the soldier—a candid man and apparently without bias—testifies that he knows the claimant never had hernia or fits before he enlisted. Numerous witnesses testify to the existence of hernia and epilepsy during all the years since the war, and to his present helplessness, physical and mental.

The story of his having had hernia and epilepsy before the war is improbable, and even if it was true it ought not to weigh against him. It is improbable, because he twice enlisted, and it is not to be presumed that the recruiting officers were either corrupt or incapable of discharging their duty; and it ought not to weigh against him because he fought the Indian battles well and faithfully as a sound man.

It is neither just nor honorable for the Government to seek to avoid the payment of a small pension to a disabled soldier by taking advantage of the wrong act of its own agents. The committee do not believe this is justifiable under any circumstances, and when it is done it is the duty of Congress to correct the erroneous ruling.

The bill is reported favorably, with a recommendation that it do pass.

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