

IN THE SENATE OF THE UNITED STATES.

MAY 25, 1888.—Ordered to be printed.

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

REPORT:

[To accompany bill H. R. 8174.]

*The Committee on Pensions, to whom was referred the bill (H. R. 8174) granting a pension to Ellen Sexton, have examined the same and report:*

The annexed report of the House committee recites the essential facts in this case. Your committee have examined these facts, and on them recommend the passage of the bill.

The claimant in this case is the widow of Daniel Sexton, late a private in Company K, Tenth Minnesota Infantry. Soldier enlisted August 13, 1862, and was discharged June 11, 1864. He died May 29, 1875, of consumption.

The case was rejected on the ground that the fatal disease was not due to disease contracted in line of duty. The captain of his company testifies that the soldier was in good health at time of enlistment, but while in the Indian campaign, in the winter of 1862-'63, he was taken sick and was transferred to the Invalid Reserve Corps, and was discharged in June, 1864, having consumption, and being unable for duty, said disease being brought on by exposure and hardships incident to the campaign.

The certificate of disability upon which he was discharged, dated June 11, 1864, recites:

"He is incapable of performing the duties of a soldier because of great weakness and constant aching pains in all of the extremities. The tibia in both legs is covered with nodes, and the muscles wasted away. He is salivated most of the time and has dyspepsia, and he has not done any duty for the last four months and has been sick a year, and he is unfit for military duty in the Veteran Reserve Corps. In my opinion the disease was contracted since the last enlistment.

"(Signed by J. W. Daniels, surgeon in charge of hospital.)"

The soldier filed an application for pension immediately upon discharge.

Dr. C. D. Williams testifies that he treated him in 1865 for hemorrhage of the bowels, and that it was a severe and dangerous case.

James King swears that the soldier enlisted in 1862 in good health, and that he saw him when discharged, and to all appearances he was a broken-down man and unable to make a living by manual labor, apparently suffering from consumption.

Christ Connolly and others substantiate the foregoing.

The adverse testimony in this case, and upon which the case was rejected in the Pension Office, is that the claimant contracted a disability in the service through his own vicious habits, which may have contributed to hasten his death. It is not in the power of any man to determine the degree to which each cause contributed to cause the death of the soldier.

In cases similar, where your committee have been utterly unable to decide the cause of death, they have invariably given the widow the benefit of the doubt, and they therefore recommend the passage of the bill.