

IN THE SENATE OF THE UNITED STATES.

JANUARY 10, 1888.—Ordered to be printed.

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

REPORT:

[To accompany bill S. 303.]

*The Committee on Pensions, to whom was referred the bill (S. 303) granting a pension to Mattie Graziani, have carefully examined the same, and report:*

Mattie Graziani made application for a pension on the 3d of September, 1887, claiming to be the widow of Lawrence L. Graziani. Her husband had been granted a pension on the 25th of February, 1885, for rupture of the left side, caused by his horse falling upon him while charging the Indians, on the 17th of June, 1876, at Rosebud Creek, Wyoming. He died on the 15th of March, 1887.

The application of his widow was rejected by the Pension Office on the 21st of September, 1887, "on grounds stated by the medical referee: death resulted from apoplexy, not left inguinal hernia."

The only evidence upon which the above conclusion can rest is found in the physician's certificate of death, certified by the health officer of Lexington, Ky. Under the heading "cause of death," the regulations requiring that the physician should state either the "remote or predisposing," or the "immediate cause," "apoplexy" was certified.

If the right of the claimant rested on this certificate, the conclusion reached by the officials of the Pension Office would have to be sustained; but the record contains the affidavit of Dr. J. M. Riffe, who was present when the husband was first taken ill, and who attended him until he died. He says:

I was present in church on or about the 13th of March, 1887, when said Graziani was attacked with a violent vomiting, produced, as I believed at the time, from strangulated hernia, several hours after which the said Graziani manifested symptoms of hemorrhage of the brain, or apoplexy, and that I visited him daily until his death, which was from brain clot, on the fourth day after his attack. I then believed that the hemorrhage was caused by the violent vomiting.

This is the sworn opinion of a practitioner of medicine, with an experience of forty years, who attended the husband of the claimant from the moment of his fatal attack until he died.

Dr. J. E. Stevenson, who had been acquainted with the husband of the claimant for the period of five years preceding his death, and who had attended him professionally, in his affidavit, says:

It is my opinion (although I did not see him in his last illness, his death being very sudden) his death was caused as the result of rupture.

Dr. Riffe, who certified that the "immediate cause" of death was "apoplexy," proves, so far as expert testimony can prove a fact, that the "immediate cause" of death was superinduced by "strangulated hernia," which preceded the "immediate cause" by only several hours, and which injury "in the line of duty" procured for the claimant's husband a pension. This view is sustained by the evidence of Dr. Stevenson.

In the opinion of the committee the claimant is clearly entitled to receive a pension as the widow of Lawrence L. Graziani.

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

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