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Report : Petition of M. Lee

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IN THE SENATE OF THE UNITED STATES.

MARCH 14, 1882.—Ordered to be printed.

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

REPORT:

[To accompany bill S. 443.]

The Committee on Pensions, to whom was referred the bill (S. 443) granting a pension to Margaret Lee, have considered the same, and respectfully report:

Margaret Lee is the widow of Maj. Arthur T. Lee, who died December 29, 1879.

Major Lee was appointed second lieutenant, Fifth Infantry, October 8, 1838; transferred to Eighth Infantry, 1839; promoted to first lieutenant March 4, 1845; captain, January 27, 1848; and major Second Infantry, October 26, 1861. Was retired as major, United States Army, January 20, 1865, for wounds received in line of duty, and with rank of colonel July 28, 1866.

He joined Eighth Infantry November, 1838, and served therewith at Madison Barracks, New York, to May, 1840; in the field in Wisconsin to July, 1840; *en route* to and in the Florida Seminole war, to August 19, 1845 (on leave and absent sick from August 24 to November 12, 1842); in the military occupation of Texas and in the war with Mexico to June 10, 1846, being engaged in the battles of Palo Alto, May 8, 1846, and Resaca de la Palma, May 9, 1846; aid-de-camp to General Worth to August 5, 1846; with regiment at Fort Snelling to October, 1848; *en route* to and on frontier duty in Texas until taken prisoner by Confederate State troops April 23, 1861; paroled April 24, 1861; on parole and unemployed to June, 1861; was declared exchanged August 27, 1862; commanded regiment in Army of the Potomac from June 26 to July 2, 1863, when he was wounded in the right ankle and hip in the battle of Gettysburg, Pa. The wound of the ankle proved serious, and finally caused his retirement.

The immediate cause of his death was inflammation of the bowels, at the age of sixty-five.

It is claimed that the causes which led to the death of Major Lee had their origin in the service. That while in the Seminole war in Florida he contracted a serious illness from which he never fully recovered, and that the wound received in the ankle at Gettysburg seriously affected his health and materially weakened his power to resist his old disease.

Surgeon-General Barnes, under date of May 5, 1880, certifies "that served at Fort Craggon, Texas, in 1849, with the late Col. A. T. Lee, then captain, Eighth United States Infantry; knew him well, and was aware from association and professional intercourse that he then suffered from frequent attacks of indigestion and dyspepsia, which he attributed

to some gastric attack he suffered in Florida during the Seminole war. More recently, while he was on duty at the Soldiers' Home, D. C., I had reason to know that he still suffered from the disease."

His military record as given discloses that he was absent on sick leave during his service in Florida from August 24, to November 12, 1842, and a letter from him dated at Harrisburg, Penn., October 14, 1842, to the Adjutant-General further confirms his sickness. The letter is as follows :

SIR: In obedience to paragraph I, General Order No. 43, dated headquarters of the Army, Adjutant-General's Office, Washington, July 30, 1841, I hereby certify on honor that I am prevented from sickness in joining my company by the 26th instant, that being the day on which my leave of absence expires, which was granted by paragraph VII, Special Orders No. 99, dated headquarters Military Department, No. 9, Palatka, August 17, 1842. Having nearly recovered from the disease laboring under when I left Florida, it was my intention to have left this place to-day to join my regiment and company, but I was attacked by a fever on the 9th which has confined me to my bed since that time. As soon as I recover sufficient strength to enable me to travel, which I probably will in a few days, I shall proceed to join my company.

Dr. Azel Backus under oath, says :

I am a practicing physician and surgeon of 28 years' standing, resident in Rochester, N. Y.; was well acquainted with the late Col. Arthur T. Lee, U. S. A.; have known him for thirty years, and was his physician whenever he was located at Rochester, N. Y.; I attended him in his last illness; I remember his suffering from gunshot wound received in action at Gettysburg, and also many months after how greatly reduced he was in physical strength and flesh by the shock, extensive sloughing, and long continued suppuration attendant upon it. He was from that time under my professional observation at short intervals up to time of his death, and he never seemed to fully recover his strength or health, and I have no doubt that his wound debilitated and enfeebled him and impaired his constitution so that he was less able to resist the attack of acute disease.

Wm. C. Ney, of Elmira, N. Y., under oath, says :

That he is a physician and surgeon; that he has practiced his profession without interruption for thirty-one years; that in the second day's fight at Gettysburg, on the 2d of July, 1863, Col. Arthur T. Lee, Second United States Infantry, received a wound from a conical ball in the right leg, just above the ankle and a contused wound of the right hip, caused by grape shot; he was removed to Elmira, N. Y., in the course of a few days, where his family resided, and came immediately under my professional observation.

The wound assumed an unfavorable aspect, and, at a later stage, a portion of the tendo achillis sloughed. The patient sank to a condition of such alarming general physical impairment and weakness as to require the most assiduous attention and support. For two months he was confined to bed in the horizontal position, suffering great pain, which was only allayed by the liberal use of anodynes. Convalescence was painful, protracted, and frequently interrupted by the renewal of inflammation in and around the wound. At one time in the progress of the case tetanoid symptoms were observed, and overcome by the timely use of remedies. After the lapse of six or eight weeks, in the regular course of treatment, and when the wound had fairly commenced to heal, a succession of deep abscesses occurred in the neighboring parts, three in number, which were opened, and which continued for a long time abnormally to discharge, thereby adding to the suffering and debility of the patient, and materially retarding the process of recovery. On or about the 20th of October, 1863, Colonel Lee was admitted to Division No. 1, General Hospital, at Annapolis, Md., and in the month of January, 1864, while yet on crutches, and at his own request, he was ordered to the performance of mustering and disbursing duty in the city of Buffalo, N. Y.

My knowledge of Colonel Lee and of his physical condition continued for many years; indeed, to the time of his death in Rochester, N. Y., in December last, and I am able to bear testimony to the fact that his health became permanently impaired in consequence of his wound and the suffering entailed thereby.

Application was made by the widow to the Pension Bureau for a pension, but the office rejected the claim on the ground that the evidence did not establish the fact that the cause of death arose from disease contracted or wounds received in the service. And your committee fail to find any good reason to disturb the decision, and therefore recommend that the bill do not pass.