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Report : Petition of H. Kelley

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IN THE SENATE OF THE UNITED STATES.

JANUARY 9, 1883.—Ordered to be printed.

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

REPORT :

[To accompany bill H. R. 6002.]

The Committee on Pensions, to whom was referred the bill (H. R. 6002) granting a pension to Honora Kelley, having examined the same, make the following report:

That Honora Kelley is the widow of James Kelley who first enlisted in the United States Army in 1854 and remained continuously in the service until December 6, 1878, when discharged from Company K, Fifth United States Cavalry. Shortly after his discharge authority was obtained from the Adjutant-General of the Army for his re-enlistment; but objections were raised by the commanding officer of the post to the residence of Kelley's family upon the reserve or about the post. So his re-enlistment was postponed till he could make other suitable arrangements for his family. While thus out of the service Kelley contracted pneumonia, of which disease he died February 23, 1879, at the Shoshone and Bannock Indian agency. The attending physician, Assistant Surgeon Grimes, certifies that on the 23d of February, 1879, he was called upon to attend Kelley and found him in the last stage of pneumonia; that he died on the same day; and that the disease would not probably have terminated fatally had not Kelley been in impaired health or broken down by the vicissitudes of long service in the Army. It appears that Kelley was wounded in a fight with the Indians in May, 1858, but the nature and extent of the injury is not shown, nor is there any evidence to connect the disease of which he died with that wound. He re-enlisted in 1859, after receiving that wound. He also re-enlisted in 1865, in 1868, and in 1873, and the presumption is that no disability resulted from the wound received in 1858.

The widow's claim for pension was rejected by the Commissioner on the ground that the disease of which Kelley died—pneumonia—was contracted *subsequent* to the soldier's discharge, and was not a result of his military service.

After a careful examination of the papers in the case, your committee find no error in this conclusion and action of the Commissioner. No additional evidence has been submitted. The case stands here just as it did before the Pension Bureau, and your committee see no special circumstances in the case to make it an exception to the general law. It is accordingly recommended by the committee that the bill be indefinitely postponed by the Senate.