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Report : Petition of M. Moss

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IN THE SENATE OF THE UNITED STATES.

MARCH 11, 1884.—Ordered to be printed.

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

REPORT:

[To accompany bill S. 360.]

The Committee on Pensions, to whom was referred the bill (S. 360) granting a pension to Maria Louise Moss, have considered the same, and report :

The claimant is the widow of Conrad Moss, who enlisted in Company C, Second Regiment of Dragoons, United States Army, for five years, October 4, 1845; re-enlisted September 5, 1850, and was discharged May 16, 1852, on a surgeon's certificate of disability, on account of a compound fracture of the ulna, resulting from a gunshot wound. The proof shows that the soldier accidentally shot himself while on a scout in the Indian country. He was granted, October 9, 1861, a full pension of \$8 per month, from October 2, 1861, which was regularly paid until his death, on August 31, 1871.

The widow then applied to the Department for a pension in her own right, but it was rejected on the ground, as stated by the Commissioner, under date of December 14, 1883, that—

* It is not shown that the death cause originated during a time of war, as must be shown in all cases in which the service was performed prior to March 4, 1861.

Your committee are of opinion that the decision of the Department was a proper one under the provisions of section 4732 of the Revised Statutes, as the records of the War Department do not show that any war existed at the time the soldier was accidentally wounded, or that there was any engagement with the Indians at or about that time by the command of which Moss was a member. If relief is to be granted in this class of cases it should be by a general law.

The soldier died of phthisis, nearly twenty years after receiving the injury for which he was pensioned, and there is no evidence of any connection between such immediate cause of death and the wound received in 1852.

Your committee therefore recommend that the bill be indefinitely postponed.