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Report : Petition of C. McCay

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IN THE SENATE OF THE UNITED STATES.

MARCH 11, 1884.—Ordered to be printed.

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

REPORT:

[To accompany bill S. 313.]

The Committee on Pensions, to whom was referred the bill (S. 313) granting a pension to Charlotte McCay, have examined the same, and report:

The claimant is the widow of William P. McCay, who enlisted as a private in Captain Sam's company, Second Georgia Volunteers, October 5, 1837, and served in the Cherokee removal until his discharge, May 11, 1838. The soldier never applied for a pension. He died December 8, 1878.

The claim of the widow was rejected by the Pension Office for the following reasons, as stated in the letter of the Commissioner of Pensions under date of December 14, 1883:

The death cause of the soldier originated, as alleged, during the so-called "Cherokee removal," which is not considered as a war. In order to entitle a widow to pension on account of disease contracted or injury received prior to March 4, 1861, it must be shown that the death cause originated during a war in which this country has been engaged.

Your committee think the decision a proper one under section 4732 of the Revised Statutes, and are not disposed to recommend special action, believing that if relief is to be afforded it should be by a general law.

It also appears that the soldier applied for bounty land, at which time no disability was shown. There was no mention of any disability at the time of discharge, in 1838, and there is an utter lack of evidence showing his condition down to his decease, in 1878, or that his death was in any way the result of his service.

Your committee therefore recommend that the bill be indefinitely postponed.