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### Report : Petition of A. Durrant

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IN THE SENATE OF THE UNITED STATES.

JUNE 12, 1884.—Ordered to be printed.

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

REPORT:

[To accompany bill H. R. 5457.]

*The Committee on Pensions, to whom was referred the bill (H. R. 5457) granting a pension to Alicia Durrant, have considered the same, and report:*

The facts in this case are correctly set forth in the report of the Committee on Invalid Pensions of the House of Representatives at the present session (House Report No. 567), as follows:

Under the joint resolution of Congress, approved May 29, 1830, the papers in the case of Alicia Durrant, widow of Henry K. Durrant, late acting assistant surgeon United States Army, were sent to the committee by the Pension Office for consideration as to the propriety, of placing applicant's name upon the pension-roll by special act of Congress, subject to the provisions and limitations of the general pension laws, for the reason that her claim appears to the Pension Bureau to be deserving and meritorious, but cannot be admitted under the existing law.

The record of service of Surgeon Durrant, when he was under contract, began May 3, 1862, serving as acting assistant surgeon United States Army, with contrabands at Beaufort, S. C., to April 5, 1865, except that in September, 1864, he was in charge of prisoners of war at Morris Island, South Carolina. In December, 1864, was on duty under General Hatcher, and was present at the action of Honeyhill, S. C. His contract was annulled, and he was mustered into the service as surgeon April 6, 1865. From April to August, 1865, was on duty with his regiment at Beaufort, S. C., also post surgeon at same place in March, 1866, and was relieved from post and small-pox hospitals at that time. The proof proceeds to show that from March, 1866, to March, 1877, he was on duty at upwards of forty different points between South Carolina and Oregon. He was much of the time in the Territories and among the Indians, and accompanied the expedition against the Modocs. Being taken sick at this time he was directed, by Special Order 31, Headquarters Modoc Expedition, dated March 20, to proceed to the camp on Lost River, and report to Assistant Surgeon H. McElderry for medical treatment. During all this time his duties were arduous, and he suffered much from exposure, deprivations, and fatigue. He resigned his position on account of poor health, and went with his wife to the Bermuda Islands in hopes to recuperate, where he died of scarlet fever.

In a letter written by his wife she says:

"I can solemnly declare that my husband never had a day's health after the Modoc war. At that time he endured great fatigue and exposure, from which he never recovered. When his last fatal illness came his strength gave out, and you will see by medical certificates the physicians thought he might have recovered but for the existing heart trouble. The only person who knew of his condition was the surgeon that was in charge at the lava beds during the Modoc war, and who died suddenly while there. The poor fellow only lived six weeks after he left, and when he contracted scarlet fever we never knew. He saw no patients, as he was not practicing, and we were together traveling all the time from Oregon to Bermuda Islands, where he hoped to rest and regain his health, but we were there only ten days when death claimed him."

The proof as to death, signed by Park B. Tucker, M. D., and John Wate Reed, M. D.,

inspector-general of hospitals, says that they were "Medical attendants of the late Dr. Henry Durrant, who died in this colony suddenly and unexpectedly of scarlet fever, in May, 1877, and we are of the opinion that he would in all probability have recovered from the attack had he not been laboring under some disease of the heart, which, in our opinion, was induced by over fatigue and anxiety during his arduous services in the United States Army."

This certificate is dated Bermuda, March 5, 1878.

The memorandum of rejection by the Pension Office says:

"Rejected upon the ground that fatal disease, scarlet fever, was contracted after the soldier left the United States military service; hence the general pension laws do not cover the case. It may be a proper case for the consideration of Congress."

Your committee, after duly considering the case, are of the opinion that the widow of this faithful and deserving officer should have relief. Her own health is poor, and she is in indigent circumstances. It is also quite apparent from the medical testimony that her husband's death, although not directly due to disease contracted in the Army, that he was nevertheless so reduced in strength and broken in constitution that he became an easy prey to the fell disease with which he was attacked, and it is a fair conclusion that had he been a strong man, in the full flow of health, when overtaken by the disease, that he would have fought it successfully and recovered. Having this impression, and believing that the doubt, if any, should be in favor of the claimant, the committee recommend the passage of the accompanying bill.

In view of all the facts in the case, and in the belief that the death of Surgeon Durrant was superinduced by disease contracted in line of duty, your committee recommend the passage of the bill.