

7-3-1884

## Report : Petition of J. Fenske

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IN THE SENATE OF THE UNITED STATES.

JULY 3, 1884.—Ordered to be printed.

Mr. VAN WYCK, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill H. R. 836.]

*The Committee on Pensions, to whom was referred the bill (H. R. 836) granting a pension to John C. Fenske, have examined the same, and report as follows:*

The Committee on Invalid Pensions in the Forty-seventh Congress made a report in favor of the same claimant, of which the following is a true copy:

It appears from the evidence in this case that the petitioner, John C. Fenske, of New Ulm, Minn., was a wagon-maker at Lower Sioux Agency, in the employ of the United States, on the 18th day of August, 1862, at which time said agency was surprised and attacked by the Sioux Indians. It further appears that in assisting to defend the agency he received a severe wound from an Indian arrow, which passed through the muscles of his back, near the spinal column and between the third and fourth ribs, penetrating his left lung. He was treated for this wound by Dr. Alfred Miller, acting assisting surgeon at the military hospital at Fort Ridgeley, Minn., from the 20th of August to 30th September, 1862.

Dr. Miller, in his sworn statement, testifies that he treated petitioner, in hospital aforesaid for arrow wound above described, and that it was received as above stated; that arrow-head remained in the wound until removed by him, dangerously injuring the lung; that frequently since the receipt of said injury affiant has seen petitioner frequently, and that he has never fully recovered and never can from the injury received, the lung remaining in a diseased condition.

It also appears from the statement of Gov. L. F. Hubbard, present governor of Minnesota, and other reputable citizens, neighbors of petitioner, that he was a robust and healthy man prior to the receipt of the injury, and is now greatly disabled for the performance of manual labor.

After a careful consideration of this case your committee are of opinion that it is a meritorious one, and recommend that the bill do pass.

Finally, a careful reviewal of the evidence in the case satisfies us of its entire justice, and your committee therefore recommend the passage of the bill, amended, however, by adding thereto the following words: "With a pension at the rate of a private soldier, according to the provisions and limitations of the pension laws."

By section 9, chapter 247, laws of 1864—

Those persons who volunteered for the time being and rendered any service in any engagement with rebels or Indians, if they were disabled in consequence of wounds received in battle, in such temporary service, shall be entitled to the same benefits under the pension laws as those who were regularly mustered into the United States service: *Provided*, That no claim under this section shall be valid unless presented and prosecuted to a successful issue within three years from and after the passage of this act.

By section 11, chapter 264, laws of 1868, this was extended for five years, and by section 1, chapter 234, laws of 1873, it was further extended to July 4, 1874.

The claimant's application was rejected by the Pension Office upon the ground that the statute of limitations had run against it, and therefore he asks for relief by special act of Congress.

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