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4-10-1888

### Report : Petition of W. Madden

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#### Recommended Citation

S. Rep. No. 886, 50th Cong., 1st Sess. (1888)

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IN THE SENATE OF THE UNITED STATES.

APRIL 10, 1888.—Ordered to be printed.

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

REPORT:

[To accompany bill S. 2233.]

*The Committee on Pensions, to whom was referred the bill (S. 2233) granting a pension to William P. Madden, having examined the same, report:*

William P. Madden, the claimant, enlisted in Company I, Sixth Regiment United States Infantry, April 29, 1851, and was discharged April 29, 1856. On April 18, 1884, he made application for pension, alleging that while at Fort Kearny, Ind. T., on July 4, 1854, he incurred deafness of right ear by firing a cannon salute; and taking cold in said ear caused total deafness. Also contracted lung and liver disease while guarding the mail between Fort Kearny and Fort Laramie during the winter of 1854 and spring of 1855, and at the battle of Ash Hollow in September, 1855.

George Freiderich and William Mealy testify to prior soundness and to incurrence of disability as alleged. William Mealy in a subsequent affidavit states that he was a comrade and personally sure that claimant incurred his disability in the line of duty, while in the United States service, and that he is more or less disabled ever since. Dr. John S. Hidden testifies that he prescribed for claimant in the spring of 1863 for chronic bronchitis and congestion of the liver, and continued to prescribe for him at various times up to 1870; that during the seven years he was disabled one-half. Dr. G. L. Nichols swears that he has treated claimant more or less for twelve years for chronic congestion of the liver and kidneys, also for heart disease, which has become very troublesome; disabled 25 to 30 per cent. for manual labor.

William Hunton swears that he first prescribed for claimant in 1879 "for chronic constipation, \* \* \* claimant can do some manual labor, but is not physically able to do much." Dr. A. B. Anderson prescribed for claimant in 1879 for congestion of the stomach and liver. Dr. C. A. Cole testifies similarly to Dr. Anderson.

The board of surgeons at Marysville, Kans., rates him at one-half total for deafness of left ear, and three examinations made by the same board make same rating, one-half total.

A. M. Legg, special examiner, "doubts the merits of the claim," but recommends further examination.

George W. McKean, special examiner, "doubts merits of claim, but recommends further examination."

J. W. Burnett, special examiner, recommends rejection of claim as "having no merit from its start," which was approved by the Commis-

sioner of Pensions, and on October 7, 1886, the claim was rejected on the ground of no record evidence of the alleged deafness, disease of lungs and liver, and the claimant's inability, after a special examination of the claim, to produce satisfactory testimony connecting said disabilities with the service and line of duty.

Your committee, after weighing carefully all the facts in connection with this case, are of the opinion that the claimant should be pensioned, and therefore recommend the passage of the bill.

C