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## Report : Mr. Baker

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IN THE SENATE OF THE UNITED STATES.

MARCH 11, 1896.—Ordered to be printed.

MR. BAKER, from the Committee on Pensions, submitted the following

ADVERSE REPORT:

[To accompany S. 299.]

The Committee on Pensions, to whom was referred the bill (S. 299) granting a pension to John W. Matchett, have considered the same, and have to report as follows:

The claimant, John W. Matchett, enlisted on December 20, 1856, as first sergeant in Capt. Abner D. Johnston's Company Florida Mounted Volunteers, of the Seminole Indian wars in Florida, and was discharged June 20, 1857.

On the 16th day of May, 1878, he filed a claim in the Pension Bureau, alleging asthma, the result of a cold brought about by exposure while in the service and on duty in the year 1857. The honorable Commissioner of Pensions rejected the claim, primarily on the ground that the claimant rendered voluntary service in the Confederate army for a term of three years. Since the rejection nothing has been filed in connection with the claim.

In his declaration the claimant states that "while on duty he took a violent cold which resulted finally in a wheezing and cough and asthma. \* \* \* That he was treated in camp hospital from January 25, 1857, to about the 10th day of February, 1857." He fails, however, to file the surgeon's certificate, and in his affidavit of November 8, 1879, states he can not furnish the certificate because the surgeon died in 1859.

In the affidavit of Capt. A. D. Johnston, dated August 4, 1879, he states that claimant was taken with a sudden cold due to exposure while on duty.

The affidavit of Dr. Franklin Branch, dated October 23, 1879, refers to the condition of the claimant, for a period of eight or ten years only, prior to 1879.

This is the only evidence bearing on the case.

In reviewing the matter it would seem that the claimant had failed to establish, by sufficient evidence, the incurrence of the disability in the service as alleged.

Your committee therefore report adversely, and recommend that the bill be indefinitely postponed.