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[Elijah A. Gilbert]

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IN THE SENATE OF THE UNITED STATES.

APRIL 14, 1896.—Ordered to be printed.

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

REPORT:

[To accompany S. 1465.]

The Committee on Pensions, to whom was referred the bill (S. 1465) granting an increase of pension to Elijah A. Gilbert, have had the same under consideration and recommend the passage thereof when amended as follows: Strike out the words "twenty-five" and insert "twenty."

IN THE SENATE OF THE UNITED STATES.

APRIL 21, 1896.—Ordered to be printed.

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

REPORT:

[To accompany S. 1465.]

The Committee on Pensions, to whom was referred the bill (S. 1465) granting an increase of pension to Elijah A. Gilbert, have had the same under consideration and report as follows:

The evidence in this case shows that said Elijah A. Gilbert was granted a pension of \$12 per month by a special act of Congress approved February 1, 1877, pension certificate No. 150538, by reason of disability from gunshot wound in left breast and resulting disease, incurred in the service of the United States while acting as a scout in General Forsyth's company of Indian scouts on or about September 17, 1868.

The following is a copy of the Senate report:

[Senate Report No. 557, Forty-fourth Congress, second session.]

The Committee on Pensions, to whom was referred the bill (H. R. 1521) granting a pension to Louis A. McLaughlin, report:

McLaughlin served through the war of the rebellion as a private in the One hundred and second Regiment of Illinois Volunteers, received several wounds in battle, and was honorably discharged in 1865. The injury for which he claims a pension was received at the battle of the Rickaree Fork, between the forces under Col. George A. Forsythe and the Cheyenne Indians, in September, 1868. He was employed as a scout, and has numerous testimonials from General Custer, Colonel Forsyth, and other officers of the command, showing his bravery and fidelity. His claim was rejected by the Pension Bureau because, being a nonenlisted man disabled by wounds received in temporary service, it was not prosecuted to a successful issue before the 4th day of July, 1874, the rejection being based upon the fact that his declaration was made before a justice of the peace instead of a court of record having a seal.

The committee believe that this technical defect presents no equitable bar to the soldier's claim, and they therefore recommend the passage of the bill.

Said Gilbert now asks for an increase of pension on account of increase of disease of heart, lungs, and liver, and also chronic catarrh, chronic asthma, bronchitis, tonsillitis and laryngitis, and disease of the nerves and heart caused by the above-described wound.

It appears that the said Gilbert has made application to the Commissioner of Pensions for an increase of pension on account of a new disability under the general law, but the Pension Office has refused to grant him an increase of pension for the reason that under section 5, act of July 25, 1882, he can not receive, in addition to the pension under special act, a pension under the general law; as the special act makes no provision for the same.

The record shows that the said Gilbert was hired as a scout by the United States on August 20, 1868, and discharged in November, 1869;

and that while acting in the line of his duty in an engagement between Indians and Colonel Forsyth's scouts on the Arkansas Fork of the Republican River, Colorado, he received a gunshot wound in the left breast, in September, 1868, the ball lodging in the left lung where it still remains.

The Adjutant-General United States Army, reports: "The Forsyth scouts were not enlisted men; they were paid by the Quartermaster's Department."

Said Gilbert testifies as follows:

That he has been drawing a pension from the Government of the United States for reason of a gunshot wound in left breast, and has been drawing said pension since the 1st day of February, 1877; that he has been drawing said pension under an assumed name, that of Louis A. McLaughlin, as shown by pension certificate No. 150538; that he received the wound for which said pension was allowed while acting and passing under said assumed name of Louis A. McLaughlin; that his real name is now and was at the time he was wounded as above stated, Elijah A. Gilbert, and that he is the identical person named in pension certificate No. 150538—Louis A. McLaughlin; that he makes this affidavit for the purpose of having his name changed on the pension roll from Louis A. McLaughlin to Elijah A. Gilbert—his true and proper name.

The following is a copy of the act of Congress granting a pension to said Gilbert, alias McLaughlin.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place upon the pension rolls, subject to the provisions and limitations of the pension laws, the name of Louis A. McLaughlin, late a scout in the military division of Missouri, and pay him a pension from and after the passage of this act.

In regard to the change of name from Louis A. McLaughlin to Elijah A. Gilbert, said Gilbert testifies that—

I assumed the name of Louis A. McLaughlin in June, 1867. In 1866 I was employed in Southern Kansas by Indian traders, and along in the latter part of the year while I was at Council Grove I learned that there had been some robberies of Government stores, horses, etc., and I gave the information to General Custer at Fort Riley, giving him the names of such persons as I had learned were implicated. Subsequently I learned that the parties implicated had found out that I had given the information, so I left there, and in June, 1867, assumed the name of Louis A. McLaughlin, and under that name I entered the Government service as a scout, and I was known only by the name of Louis A. McLaughlin while I was in the service, and during which time I was wounded.

Said Gilbert presents letters of recommendation from Lieut. Gen. P. H. Sheridan, Gen. G. A. Custer, Colonel Forsyth, and Lieut. Col. Henry Inman, United States Army, all commending him on account of valuable services rendered in Indian campaign in 1868.

Pension certificate No. 150538 shows that a pension of \$12 per month was granted to "Elijah A. Gilbert, alias Louis A. McLaughlin."