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Mrs. Mary E. Wyse.

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MRS. MARY E. WYSE.

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AUGUST 10, 1894.—Committed to the Committee of the Whole House and ordered to be printed.

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

REPORT:

[To accompany H. R. 6831.]

The Committee on Pensions, to whom was referred the bill (H. R. 6831) granting a pension to Mrs. Mary E. Wyse, have considered the same and respectfully report as follows:

Francis O. Wyse, the claimant's deceased husband, entered the U. S. Military Academy September 1, 1833, and was appointed brevet second lieutenant, Third Artillery, July 1, 1837; promoted to second lieutenant, July 31, 1837; to first lieutenant July 31, 1838; captain, March 3, 1847; major, Fourth Artillery, May 14, 1861, and lieutenant-colonel, Fourth Artillery, November 1, 1861.

He resigned July 25, 1863, but was reappointed and retired February 28, 1879, under an act of February 15, 1849, as an additional lieutenant-colonel, U. S. Army.

Col. Wyse participated in three wars (Indian, Mexican, and civil) during the period of his service and his conduct throughout was marked by great gallantry and bravery. In the report of a joint committee of the Senate and House of Representatives at the first session of the Thirty-third Congress is contained a complimentary notice of efficient conduct on the part of the soldier and his junior officers and gives them great credit for their services.

The record shows that in April, 1859, Col. Wyse (then a captain and brevet major) received an injury of left ankle joint and fracture of the external malleolus from a fall of his horse, and the testimony on file in the pension claim of the widow shows that he continued to be seriously affected by this injury until his death, which occurred January 21, 1893.

A printed report, dated July 18, 1847, contained in a copy of the Tampico, Mexico, Sentinel (newspaper) bestows the highest praise upon Capt. Wyse for the conduct of himself and men in an engagement near the Calaboso River, Mexico, about July 11, 1847.

The report was made by L. G. De Russy, colonel Louisiana Volunteers, who commanded the United States forces in the engagement, and repeatedly commends Capt. Wyse for his courage and gallantry.

After the death of the soldier the widow filed an application for pension and the proof established the fact that his death was due to causes originating in the service and line of duty, but the Pension Bureau rejected the claim on the ground that the fatal disease had its inception in a time of peace prior to March 4, 1861, and hence there is no law under which the widow can be allowed a pension. The officials of

the Pension Office concede, however, that the disease originated during the soldier's military service and in line of duty, and the rejection is based wholly upon the absence of law under which the widow can be pensioned when the soldier's fatal disease originated during a time of peace prior to March 4, 1861.

The soldier held the rank of captain at the time of contracting the disease (bronchitis) from which he died, and in the light of the foregoing facts and circumstances your committee believe that it would be but an act of justice to allow his widow the usual pension granted to the widows of captains.

The bill is therefore returned with the recommendation that it do pass with an amendment striking out the word "thirty" in line 8, and substituting therefor the word "twenty," so as to fix the rating at \$20 per month.

