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Maria E. Hess.

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MARIA E. HESS.

APRIL 12, 1898.—Ordered to be printed,

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

REPORT.

[To accompany H. R. 864.]

The Committee on Pensions, to whom was referred the bill (H. R. 864) granting a pension to Maria E. Hess, widow of Florian Hess, have examined the same and report:

The report of the Committee on Invalid Pensions of the House of Representatives is as follows:

This bill proposes to pension, at \$12 per month, Maria E. Hess, of New Ulm, Minn., the widow of Florian Hess, a private in Capt. J. Belin's company, Eleventh Minnesota Volunteer Militia, who was called into service against the Sioux Indians, and in an engagement at New Ulm, Minn., August 23, 1862, was severely wounded in the left shoulder. He was treated in hospital, from which he appears to have been discharged September 1, 1862.

A ball passed entirely through the neck of the humerus, shattering it badly, so much so that several pieces of bone were removed while in hospital at St. Peters, Minn. A medical certificate, signed by two physicians, and dated February 27, 1866, states that he was then incapable of earning a subsistence by manual labor because of gunshot wound, fracturing the neck of the left humerus and causing comminuted fracture of the bone, requiring excision of part of same, causing the shoulder joint to be entirely useless, together with upper and forearm.

At an examination in 1875 the examining surgeon said:

"From time to time till now exfoliation takes place, combined with severe pain. His general health is also very poor, his body much emaciated, and he is in fact not able to perform any manual labor."

And the same conditions existed when examined in 1877.

He was pensioned at \$6 from discharge and was increased to \$8, \$14, \$24, and \$36, which rate he was receiving when he died, February 24, 1892.

This claimant was paid the accrued pension due soldier at date of death.

She filed a claim March 29, 1892, under the general law, but it was rejected October 20, 1894, on the ground that death resulted from disease of stomach, which has not been legally accepted.

In an affidavit filed March 29, 1892, J. S. Schock, M. D., said:

"Florian Hess died the 24th day of February, 1892.

"He had suffered for three years with chronic gastritis which resulted in thickening and contraction of the pyloric end of the stomach with ulcers. These ulcers were the direct cause of his death, being the source of the hæmatemesis.

"Have treated the deceased for the past three years, during which time he always had a cachectic anæmic appearance, which he claimed dated from his wound fever at the hospital, and it never left him."

In an affidavit, dated August 14, 1894, the same physician said that while the soldier was a chronic sufferer from chronic gastritis, it was at no time considered serious, for his wounds and suffering therefrom kept him weak and feeble, and had more to do with his death than gastritis. During the last weeks of his suffering his system was unable to sustain the drain of his injuries, and septic fever set in from absorption, which hastened and was the indirect cause of his death, and directly traceable to his wounds.

The claimant was married to the soldier September 30, 1852, and is about 72 years of age, and needy.

Claimant has no title under act of June 27, 1890, as her husband was not regularly enlisted and mustered into the United States service.

There is no substantial doubt that this soldier died from results of wounds received in battle. True, the results of the wound were so complicated with other troubles that we are not absolutely certain. Still, we may be positive in the opinion that the other troubles would not have produced death, might not have existed at all, had not the weakened and debilitated conditions caused by the wound existed.

This widow is clearly entitled to the pension of \$12 per month given by this act.

Inasmuch as under the law pensioning the widows of soldiers who served in the Indian wars the rate of pension is \$8 per month, manifestly this bill should carry that rating. Your committee, therefore, recommend that the bill be amended by striking out the word "twelve," in line 7, and substituting therefor the word "eight," and that the title be amended by striking out the words "widow of Florian Hess."

As thus amended the passage of the bill is recommended.

