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John McGrath.

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JOHN McGRATH.

JUNE 29, 1897.—Ordered to be printed

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

REPORT.

[To accompany S. 1836.]

The Committee on Pensions, to whom was referred the bill (S. 1836) granting a pension to John McGrath, have examined the same, and report :

A similar bill was introduced in the Senate during the Fifty-fourth Congress, and reported favorably.

The report was as follows, which your committee adopt, and recommend the passage of the bill:

John McGrath enlisted December 6, 1867, as a private in Troop C, Seventh United States Cavalry, and was honorably discharged therefrom December 6, 1872. On November 27, 1889, he filed a claim for pension, alleging that at the battle of Wichita, November 27, 1868, his horse fell on him, injuring his knee; also gunshot wound of foot at Fort Harker, Kans., in 1870. In an affidavit filed in 1890 he alleges that when his horse fell on him it broke four of his left ribs and injured his chest and right wrist. He established the wound of foot to the satisfaction of the Pension Office, and is now pensioned therefor at \$6 per month. With regard to the injury of side, wrist, and leg, he furnished the testimony of a comrade, Frederick H. Cushing, who is shown by the records to have been present at the time, and is certified to be a credible witness, who testifies from his own personal observation that in the winter of 1869, during Gen. G. A. Custer's campaign against Black Kettle's tribe of Indians (he can not give the exact date, but there was snow on the ground), claimant did receive bodily injury by having his horse killed and falling on him, injuring the entire left side.

He repeats this in his own handwriting in response to a letter of inquiry from the Pension Office. Soldier was treated, while in the service, from August 4 to 25, 1868, for bronchitis; November 15 to 28, 1870, contusion; March 13 to May 8, 1871, gunshot wound of right foot, and several times for abscess. Claimant alleges his inability to furnish further evidence as to injury by horse falling on him. A report from the captain of Troop C, Seventh United States Cavalry, shows that there is only one of the present members of that company who was in it with claimant. Claimant says most of his comrades were killed in the Custer massacre. The report of his medical examination at Charlotte, N. C., in 1890 shows that—

“The cartilages of seventh, eighth, and ninth ribs of left side have been broken loose from the true ribs and turned in, and have become ankylosed at the junction of the cartilage and bony ribs and cause diaphragmatic breathing; has some slight bronchitis; breathes 24 to the minute; breathing laborious and short, caused from injury to ribs; injury of leg and knee of no consequence, and therefore not ratable.”

Rated for injury to ribs at six-eighteenths.

In the opinion of this committee, the evidence and the record may be accepted as establishing origin of injury to side and bronchitis in service. The injury to side is rated \$6, which, added to the \$6 he is now receiving, would make \$12, the amount asked for in the bill. The bronchitis, though found and described, is not rated, probably because not alleged.

Amended by striking out all after the word “to,” in line 7, and insert in lieu thereof, “pay him a pension of twelve dollars per month, in lieu of that which he is now receiving.”