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53D CONGRESS, }
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SENATE.

{ REPORT
{ No. 640. 56

IN THE SENATE OF THE UNITED STATES.

AUGUST 6, 1894.—Ordered to be printed.

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

REPORT:

[To accompany S. 2032.]

The claimant is the widow of John A. Martin, who was colonel of the Eighth Regiment of Kansas Infantry Volunteers in the war of the rebellion, and who died on the 2d day of October, 1889.

Ida C. Martin, a widow, applied for a pension, and the claim was rejected "on the ground that there is no record or other satisfactory evidence of the incurrence of soldier's fatal disease in the service, and the claimant has declared her inability to furnish further evidence in support of her claim."

Your committee have carefully examined all the papers that were filed in the Pension Office with the application in this case, and while we can understand how a conscientious officer might not be satisfied that the claimant had clearly proved her case, we do not see how any reasonable doubt can be entertained as to the reasonableness of her conclusions. When a prisoner is on trial for murder by shooting, all the facts and circumstances of the case may point to the guilt of the accused, yet it may be impossible to prove that the ball which entered the body of the deceased and caused his death was the same ball which was fired out of the gun in the defendant's hands at the time of the shooting. While the jury may be satisfied of the truth of the charge, yet they might lawfully say that it had not been proved.

In this case your committee are of opinion that the claimant has shown enough to satisfy any reasonable mind that at least the presumptions are all in her favor.

It appears from an examination of the papers that Col. Martin enlisted on the 27th day of October, 1861, was honorably discharged November 15, 1864, and died October 2, 1889. During the campaign of 1864 he was much exposed to severe physical trials by reason of inclement weather, long marches, hard fighting, and insufficient food. By reason of these exposures and hardships he was taken down with scurvy, and with lung and throat disease, which finally resulted in his retirement from the army after a period of more than three years' hard and faithful service.

It appears further that the disease he contracted while in the service affected his lungs, his throat, and his skin so seriously that persons who had known him ever since that time and had been familiar with

his habits readily connected his coughing and cutaneous eruptions, which were frequently exhibited afterwards, and all along during his lifetime, with his Army troubles.

After his retirement from the Army, and when he became acquainted with the lady whom he afterwards married, and who is now his widow, the claimant in this case, she frequently observed eruptions on his face and neck, accompanied by a short hacking cough, and upon calling his attention to these matters, he always attributed them to his exposure and disease during the war. Her memory upon this point is clear and her statement is explicit.

It appears further from her testimony, and from that of several witnesses, including their family physician and his partner, that after their marriage her husband frequently told her and others that his coughing and his throat troubles and his cutaneous affection had originated in his exposures during the period of his Army service.

It is shown by the sworn statement of Mrs. Martin that Col. Martin often said that he did not expect that he would ever be relieved from the effects of the disease which he contracted during the war. And it appears that during his last sickness he spoke several times of his disease having originated while he was in the Army.

We will not encumber this report by copying all the papers in the case. A few extracts will be sufficient:

[Extract from testimony of Mrs. Ida C. Martin, under date of the 27th day of May, 1890.]

That she has been well and personally acquainted with Col. John A. Martin for twenty-three years. She was married to him June 1, 1871. She was his first and only wife. As the fruits of their marriage there were born 7 children, all of whom are now living. Col. Martin was troubled with a hacking cough during the entire period of her acquaintance with him. At different times his throat would become so much worse as to necessitate his consulting a physician, and having medical treatment. In his last illness this trouble became more serious than it had ever been before, and was one of the most distressing symptoms of the disease at that time. Frequently during Col. Martin's lifetime he would express himself as confident that, sooner or later, he would suffer seriously from the effects of the exposure he underwent in Army service. There was always a troublesome skin eruption which affected his head and body, and which continued, to her knowledge, during the period of their married life.

[Extract from the testimony of Mrs. Ida C. Martin, under date of the 22d day of December, 1891.]

Dr. W. H. Grimes died more than eight years ago. Were he living he could give evidence as to the exact nature of Col. Martin's illness following his return from the Army; also of Martin's physical condition from that time down to the date when Dr. D. J. Holland became his physician, twelve or thirteen years ago. Dr. D. J. Holland died in September, 1890, only a few months after making the affidavit on file in this case. He could give evidence tending to show Martin's physical condition during the last twelve or thirteen years of his life. Miss Belle Crawford, an aunt of Martin's, nursed him through the illness after his return home from the Army, but she is over ninety, of feeble health, and her memory has failed her. She can not recollect at all.

[Extract from the testimony of Dr. G. J. Holland, under date of the 26th day of May, 1890.]

That his acquaintance with Col. Martin dates from October, 1877. Has been said soldier's family physician for about same period of time. Was called to see said soldier a very short time after acquaintance (during the fall of 1877). That his trouble then was his throat. Found soldier suffering with a chronic affection of the throat. This condition of affairs soldier said had existed for a very long time, since.

in fact, his Army life, and particularly the exposure attending such a life. During my whole time of acquaintance with said soldier, he was under my care from time to time for this throat trouble. There was a general thickening of the mucous tissues about these parts, and, when exposed to the atmosphere or overtaxing his throat by speaking, etc., the trouble would be rekindled, and everything would present an acute appearance.

The only symptom of his trouble apparent to everyone coming in contact with said soldier was a continual clearing of the throat, or perhaps better termed a hacking cough. His throat trouble being a constant companion during all these years, caused a gradual breaking down of the lungs, which condition was the cause of his death. His family history does not show any pulmonary trouble. His father died aged 91 years; cause of death, cystitis. His mother, aged 85 years, is still alive. Father's family all lived to be over 90 years of age. There are two sisters and two brothers still living. There has never been a death in the family, except one brother who died in the Army of chronic dysentery.

[Extract from testimony of Dr. J. V. Bryning, under date June 19, 1890.]

That he is a physician and surgeon, and that in 1864, and for a number of years thereafter, he was associated with Dr. W. H. Grimes in the practice of medicine in the city of Atchison, and affiant became acquainted with Col. John A. Martin about the time of Martin's return from the Army. Affiant says that shortly after Col. Martin's return from the Army he was taken sick with an attack of pneumonia, or some other lung disease. That he was attended during this illness by Dr. W. H. Grimes, and affiant became acquainted with the fact of his illness from Dr. Grimes while associated with him at that time. Affiant believes that said illness was the result of the exposure to which Martin was subjected to while in the Army, and was the immediate result of such exposure. That Martin, since his return from the Army, was engaged in employment wherein he was but seldom exposed to causes which would tend to bring on an attack of any lung disease.

[Extract from testimony of S. R. Washer, May 17, 1890.]

I first became acquainted with John A. Martin in April, 1860. He was living at Atchison, Kans., and I was very intimate with him from that time until his death. We served in the same regiment, the Eighth Kansas, he being its colonel. I was a first lieutenant and adjutant. I was with him continually during the war. Before he entered the service he was a strong man physically, with a perfect constitution. The Eighth Kansas was subjected to a great deal of exposure during its army service, notably on the march from Corinth, Miss., to Louisville, Ky., in 1862; the campaign from Louisville; the battle of Perryville; and march from Nashville in October and November, 1862; the campaign and battles around Tullahoma, June and July, 1863, during which time for fourteen days there was almost continual rain, and during which time we were without dry clothing, slept on the wet ground, and often woke to find the ground covered with water.

The battle of Chickamauga, Ga., in September, 1863; the siege of Chattanooga, and the battle of Mission Ridge; the march to Knoxville and Bandridge, in November and December, 1863; and the Atlanta campaign in 1864. During the latter of these campaigns, notably the siege of Chattanooga, the regiment was not provided with proper food, and the disease called scurvy became epidemic. And during the year 1864 Col. Martin was taken sick, had to leave his regiment and go to the hospital. I think he had the scurvy. In after years at various times I noticed symptoms on his face and head that I attributed to the effects of scurvy contracted while in the service. Col. Martin was a man who would never abandon his post of duty except for some weighty reason, and did not leave because of sickness until it became an absolute necessity.

[Extract from testimony of Rev. John Paulson, chaplain of the Eighth Kansas.]

Was well acquainted with John A. Martin, and that he was with said regiment and its colonel, John A. Martin, during the campaigns of Atlanta and Chattanooga, and that he knew said Martin to be exposed to bad weather and insufficient food

during said campaigns and others at the same time, about; that said John A. Martin was taken sick during the siege and capture of Atlanta and was moved to the field hospital near the city; that he visited Col. Martin at the hospital during his said sickness, and that he examined his person and found him to be covered with red blotches and eruptions which he thought resembled the disease called scurvy and which he supposed was caused by malarial exposure and improper diet.

In view of the testimony, and in view of the high character and distinguished services of Col. Martin not only during the war, but afterwards, your committee have no doubt about the substantial truth of the statements which connect the last sickness of this soldier with his service in the Army of the United States.

Several members of the committee were many years personally and intimately acquainted with Col. Martin, knowing well his temperate and industrious habits, his close attachment to his family, and his high standing. He was one of the Centennial managers at the National Exposition in Philadelphia in 1876; he was twice elected governor of Kansas, and frequently held high and responsible positions of trust among his fellow-citizens, and was many years one of the managers of the National Soldiers' Home.

In view of all the facts and circumstances connected with the case, your committee are of opinion that Mrs. Martin is entitled to a pension, and therefore recommend the passage of the bill.