

W.D.
Ctf. No. 603055,
Widow of
George H. Moulton,
Co. I, 38th Mass. Inf.

BUREAU OF PENSIONS,
M- Office of the Commissioner,
February 7, 1906.

Hon. J. L. Davenport,
First Deputy Commissioner.

In regard to the questions submitted by you and by Mr. Bomberger in connection with this case I am of the opinion that in the absence of a pending claim for increase the soldier is not entitled to \$72 per month under the act of March 4, 1890, even though he was pensioned at \$50 per month from September 30, 1886, for sunstroke and malarial poisoning and resulting disease of liver and kidneys and nervous system and resulting insanity.

The act of March 4, 1890, provides that soldiers who have become so totally and permanently helpless as to require

the regular and personal aid and attendance of another person shall be entitled to receive a pension at the rate of \$72 per month from the date of the passage of the act, or of the certificate of the examining surgeons showing such a degree of disability made subsequent to the passage of the act. It is by no means certain that the degree of disability described in said act existed in this case on March 4, 1890, and there is no certificate of an examining surgeon made after the passage of the act from which to judge when such degree of disability arose, if ever.

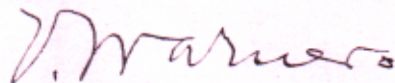
The widow's letter, filed August 22, 1905, states that from 1878 the soldier had six different attacks of acute mania, and was committed to the insane asylum three times. It is evident that the degree of insanity requiring aid and attendance of

another person did not exist continuously from September 30, 1886, when he was committed to the asylum, and we have nothing to show when the attacks of "acute mania" referred to occurred.

As to the propriety of advising the widow that she may have title under the general law, I may say that such a course does not seem desirable in view of the possibility disclosed by the evidence that the soldier's insanity was not, in fact, due to his military service, and this matter need not be given serious consideration unless the claimant should see fit to file a claim under the general law. The soldier stated to the board August 3, 1881, that "about three years ago he was taken quite suddenly sick with nervous prostration". Dr Hemenway testified to treat-

ment, in January , 1878, for a severe illness characterized by nervous debility, mental irritability, delusions, etc., "the usual symptoms of impending insanity". The widow's recent letter also implies that the soldier's first attack of "acute mania" occurred in 1878.

It is very doubtful whether the soldier actually suffered a genuine sunstroke in the service. He participated in the battle of Port Hudson a very few days after the alleged incurrence of sunstroke and served continuously thereafter for more than two years with no record of sunstroke at any time.

A handwritten signature in dark ink, appearing to read "J. Warner". The signature is fluid and cursive, with a large initial "J" and a long, sweeping underline.

Commissioner.