

Filing for the Union Army Pension: A Summary from Historical Evidence

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0. Introduction

This document organizes by chronological order, major pension provisions, the resulting rate changes, and political forces that were behind the evolution of the Civil War pension system. It presents historical evidence in an attempt to understand the pension application procedure, especially details of medical examinations. The information was drawn from two sources: Glasson 1918 and examples of surgeons' certificates and other legal documents from the National Archives.

The findings support an expansionary path of the pension system over time. Not only were pension rates becoming more generous, the eligibility requirements were also becoming more relaxed over time. Widows and dependent children enjoyed benefits nearly equivalent to veterans themselves in later years. Large arrears of pensions were paid to both the veterans and the widows of the soldiers by the Law of 1873. In general, Republican presidents favored a more liberal pension system, whereas Democratic presidents showed prudence in administering the Pension Bureau and reluctance in endorsing an expansionary pension plan. Those presidents, representing two parties, further demonstrated their different political stands by their choice of the commissioner of pensions. Each commissioner followed different beliefs in carrying out his duties. Some commissioners openly questioned the incentives of claim agents and vigorously fought against fraud. Other commissioners defended the interest of veterans by expediting the application process and by granting special rules that would increase the pension rates of many claimants. While the majority of the commissioners were honest men, there were examples of those that abused their power for personal advances. The press had always manoeuvred public opinions. It helped make or break commissioners of pensions, or even presidents.

Three surgeons served on a particular pension board that covered a certain geographical area. The surgeons came from prestigious medical schools with professional recognition. They got paid at a constant salary per examination performed, since their appointments by the Pension Bureau were usually in addition to their normal medical practices. The Pension Bureau closely monitored their service. Veteran claimants had the right to file complaints should they feel mistreated by any doctor. Therefore, although in the early years of the Civil War pension system, the Medical Examination Board consisted of employees that had partisan affiliations, the medical diagnoses for the same veteran that came from surgeons working in different counties were consistent with each other. The surgeons based their judgment on symptoms at hand. Although they were instructed to give independent opinions on the existence and the severity of disabilities, they often consulted one another for suggestions. The Pension Bureau would issue an order to a veteran after he filed a claim. The veteran was instructed to visit the closest pension examination board within ninety days after the issuance of the order. Otherwise the order was cancelled. After the service-age pension bill was passed, the role of the medical examination became less important. Starting from 1929, only one surgeon was required to perform an examination, and a surgeon who reached the age of 70 was forced to retire.

Table 1: Pension Filing Requirements and Periods of Compensation for Regular Soldiers

Law	Date Passed	Effective Date	Requirement
General Law	July 14, 1862	From the date of discharge if filing within one year. Else from the date of filing the pension.	Disability direct consequence of military duty.
Act	July 27, 1868	From the discharge or death of the person whose pension had been, or might be, granted.	Disability occurred since March 4, 1861. Application filed within 5 years after death or discharge.
Arrears Act	January 25, 1879	From the date of the death or discharge of the person.	All pensions granted under the general laws, or thereafter granted resulting in a death or disability of service origin in the Civil War. The rate for the intervening time for which arrears were allowed was to be the same per month as that of the original pension.
Disability Pension Act (Service-Pension)	June 27, 1890	From the date of filing the application after the passage of this act, upon proof that the disability then existed, and shall continue during the existence of the same.	Applicants are now or may hereafter be suffering from a mental or physical disability of a permanent character, not the result of their own vicious habits. The disability incapacitates them from the performance of manual labor in such a degree as to render them unable to earn a support (by manual labor), regardless of origin. The proof must be presented by rules and regulations of the Secretary of the Interior. The only requirements of a military character were service of ninety days or more during the Civil War and honorable discharge. Wealth, income, salary, and ability to make a good living were not considered in the granting of the pension.
Order No.78 (Service-and-Age Pension Law)	April 13, 1904	From the date of the law.	Old age was an infirmity, the average nature and extent of which the experience of the Pension Bureau had established with reasonable certainty. The pensioner must have served ninety days or more during the Civil War or sixty days in the war with Mexico, and have been honorably discharged.
McCumber bill	February 6, 1907	From the date of filing after the law became effective	Same as above (mainly rate increase, see below). Persons who applied and received pensions under this act were not permitted to receive pensions for the same period under any other general or special law.
McCumber bill	May 11, 1912	This act superseded the service-and-age act of February 6, 1907. Most of the pensioners were soon transferred to this roll from the 1907 act.	Applied to persons who served ninety days or more in the Civil War and were sixty-two years of age or over. Also to persons who had served sixty days or more in the Mexican War and had been honorably discharged. For the attached special provision to apply, which granted pension without regard to age and the length of service, persons must serve in the Civil War and were honorably discharged. They must now be disabled from performing manual labor as the results of wounds received in the battle or in the line of duty or as the result of disease or other causes incurred in the line of duty. This special provision was substantially a duplication of the existing general law.

Source: Glasson 1918, Part II, Chapter I, II, and III.

Table 2: Pension Rates over Time

Year	Rates
July 14, 1862 (General Law)	\$30 per month total disability for a lieutenant, colonel or officer of a higher grade in the army or marine corps, and to a captain, commander, or officer of equal rank in the navy. \$8 per month total disability for lower ranks. Proportionate pensions were to be given in each rank for partial disability.
July 4, 1864	\$25 monthly for the loss of both hands or the loss of the sight of both eyes, \$20 for the loss of both feet.
March 3, 1865	\$20 a monthly for the loss of one hand and one foot.
June 6, 1866	Fourteen additional permanent specific disabilities were provided for at rates of \$25, \$20, and \$15 per month. Introduced statutory rates of \$25 a month for disability of such a character as to require the regular aid and attendance of another person, \$20 a month for incapacity to perform manual labor, ¹ and \$15 a month for disability equivalent to the loss of a hand or foot.
June 4, 1872	Rates for the previous three grades increased to \$31.25, \$24 and \$18, respectively.
March 3, 1873 (Consolidation Act)	All the needful provisions of past pension legislation were codified into one act. The rates were set between \$8 and \$18. The standards are: \$17 a month for loss of one eye, \$14 for loss of middle, ring, and little fingers, \$10 for ankylosis (stiffening) of elbow or for loss of all the toes of one foot, \$8 for ankylosis of wrist or for loss of thumb, \$6 for loss of great toe, \$4 for loss of index finger, and \$2 for loss of any other toe. Upon the results of medical examinations, on the basis of disability for the performance of manual labor, the rates range from 6/18 to 17/18.
August 27, 1888	\$30 for total deafness. \$22 for severe deafness of both ears. \$10 for ankylosis of elbow. \$17 for loss of one eye. \$30 for incapacity to perform any manual labor. The Secretary of the Interior is authorized to grant proportions in cases of partial deafness, as he might deem equitable. Nine grades of such rates have been established ranging from \$6 a month for nearly total deafness of one ear or slight deafness of both ears to \$27 a month for deafness of both ears existing in a degree nearly total. When a disability is shown in excess of 17/18 and equivalent to the loss of a hand or foot, the rate is \$24 (3 rd grade). But if the disability is not equivalent to the loss of a hand or a foot, even if it is in excess of 17/18, no higher rate than \$17 a month can be allowed.
June 27, 1890	Between \$6 and \$12 per month, proportioned to the degree of inability to earn a support. Persons already pensioned under the general laws were permitted to apply under this act, and pensioners under this act might apply under the general law system. But no person could receive more than one pension covering the same period of time. \$10 for disability equivalent to loss of hand or foot. \$12 for incapacity to perform any manual labor. \$12 for total deafness of both ears. \$6 for loss of one eye. \$6 for severe deafness of both ears. \$6 for ankylosis of elbow. \$12 for total blindness (total blindness of service origin was at that time pensioned under the General Law system at \$72 per month). This act benefited veterans with small disabilities, who might not have been able to get any pension previously. Veterans with one or more severe disabilities chose to stay under the General Law system.
August 5, 1892	Service-pensions were given to the army nurses of the Civil War at the rate of \$12 a month. Nurses were eligible who had served six months, and had been honorably relieved from service, provided they were unable to earn a support.
March 2, 1895	All pensioners now on the rolls, who are pensioned at less than six dollars per month, for any degree of pensionable disability, shall have their pensions increased to \$6 per month.
April 8, 1904	Maximum invalid-pension of \$100 a month is paid for the loss of both hands, the loss of both feet, the loss of the sight of both eyes, and the loss of the sight of one eye, the sight of the other having been lost before enlistment. \$72 a month for such a degree of helplessness as to require the regular aid and attendance of another person. \$55 a month for loss of an arm at the shoulder joint. \$40 a month for the loss of a hand or a foot. \$46 a month for total disability in an arm or leg. \$40 a month for total deafness. \$30 a month for incapacity to perform manual labor. \$24 a month for disability equivalent to the loss of a hand or a foot (Also see Glasson 133).
April 13, 1904	When a claimant has passed the age of sixty-two years, he is disabled one-half in ability to perform manual labor and is entitled to be rated at \$6 a month. After sixty-five years, the entitlement increased to \$8 a month; after sixty-eight years, to \$10 a month; and after seventy years, to \$12 a month.
February 6, 1907	At the age of sixty-two years, \$12 per month. At seventy years, \$15 per month. At seventy-five years, \$20 per month.
May 11, 1912	The monthly rate of pensions varied both according to age and length of service as shown in the schedule of Glasson 258 . Persons satisfying the special provision receive a maximum rate of \$30 per month. Mexican War veterans receive the rate of \$30 per month if they satisfy the requirements.

Source: Glasson 1918, Part II, Chapter I, II, and III.

¹ Commissioner Backer of 1874: The act of July 14, 1862, provided a pension of \$8 per month in the case of a private soldier for a total disability for the performance of manual labor. For a disability incapacitating for the performance of any manual labor, the act of June 6, 1866, provided a pension of \$20 per month, which was increased to \$24 per month by the act of June 8, 1872. The words "total disability" which occur in the act of July 14, 1862, have been construed by this office to mean a total disability for the performance of manual labor requiring severe and continuous exertion. The words "any manual labor" occurring in the act of June 6, 1866, and the act of June 8, 1872, have been construed to include also the lighter kinds of labor which require education and skill (Glasson 131).

Table 3: Pension Filing Requirements, Periods of Compensation for Widows & Dependents

Date Passed	Effective Date	Applicable to:	Requirement
July 14, 1862	Payable from the death of the husband or father, without limitation as to the date of application.	Widow, or if no widow, to child or children under 16 years old, or if no widow or child, to dependent mother or orphan sister. Pension equivalent to the amount of what the soldier was entitled to (\$30 for high officials and \$8 for privates).	No remarriage. No receipt of more than one pension at the same time.
July 27, 1868	Year when law became effective.	Widow's pension granted until her death or remarriage. <i>In addition</i> , she was entitled \$2 a month for each child under 16. If no widow, child/children received what the widow would have received. If no widow and children, the right to pension was first, mothers; second, fathers; and third, orphan siblings under 16.	Same as above.
March 3, 1873	Year when law became effective. In many cases, seven years' arrears of increase.	In cases where the widow was dead or debarred from receiving a pension and there was only one surviving child, the child's pension should be increased \$2 to \$10 per month.	Same as above.
March 9, 1886	Year when law became effective.	Pension of all widows, minor children, and dependent relatives already on the pension roll should be increased from \$8 to \$12 a month. Widows and dependent relatives who might thereafter be placed upon the pension roll should receive \$12 a month.	The increase applied only to widows married to the deceased prior to March 19, 1886.
June 7, 1888	From the date of the death of the husband.	The remarriage of any widow or dependent mother or sister does not bar her from receiving pension until the date of remarriage, even though she did not apply for the pension until after such remarriage.	All pensions under the General Law, for widows of soldiers died from a cause of service since March 4, 1861.
March 3, 1899	Year when law became effective	A widow who did not marry the soldier prior to the date of the act, or prior to or during his service, should have no title to a widow's pension unless it be shown that she lived and cohabited with him continuously from the date of marriage to the date of his death. Or in case of separation, that such separation was through no fault of hers.	Same as above.
June 27, 1890	Same as above	Widows of those who served ninety days or more in the Civil War and were honorably discharged were entitled to be pensioned at the rate of \$8 per month without regard to the cause of the soldiers' deaths. An additional allowance of \$2 per month was made for each child of the deceased soldier under the age of sixteen years. In case of death or remarriage, the pension continued to be paid to any surviving children of the soldier until they reached the age of sixteen. When a minor child was insane, idiotic or otherwise permanently helpless, the pension is continued during life or during the period of disability ² .	Widows must have married the soldier prior to March 19, 1886. Remarriage terminated a widow's pension.
March 3, 1901	Year when law became effective	A widow who has lost her pension by reason of remarriage may be restored to the pension roll when she again becomes a widow.	Wife during his service; Without means of support other than daily labor and a net income not exceeding \$250 per annum.
April 19, 1908	Year when law became effective.	Pensions of all General Law widows were fixed at \$12 a month.	General Law widows, married after March 19, 1886, regardless of their pecuniary condition, who were receiving only \$8 a month.
September 8, 1916	Year when law became effective.	Every widow who was the lawful wife of a soldier or sailor during the period of his service in the Civil War should receive \$20 a month. A pension at the same rate was also provided for Civil War widows upon attaining the age of seventy years.	Again became a widow after remarriage, or divorced without her own fault. The marriage occurred before June 27, 1905.
October 6, 1917	Year when law became effective.	Pension rate of all Civil War widows increased to \$25 per month.	Same as above.

Source: Glasson 1918, Part II, Chapter I, II, and III.

² Attorneys' fees under the act of 1890 were limited to \$10.

4. The Influence of Presidents and the Practice of Commissioners of Pensions³

Presidents between 1876 and 1912

Rutherford B. Hayes (in office 1876-1880) signed the Arrears Act in 1879. The act of President Hayes was the subject of much condemnatory criticism then and thereafter. Hayes felt such criticism. He revealed in a letter: "The thing I would talk of, if I ever defended or denied or explained, is the Arrears of Pensions act. ... That act was required by good faith. The pensions were due from the date of disability, if discharged on account of it, and from the date of such discharge. ... The failure of government to protect itself against frauds is no reason for evading just obligations. ... The amount is small compared with other war expenditure and debt. Look at the good done. In every county in the North are humble but comfortable homes built by the soldier out of his arrearage pay."

James Garfield (in office 1881-1884) appointed W.W.Dudley of Indiana as Commissioner of the Pension Bureau, because of the unpopularity of Commissioner Bentley with the former soldiers. Commissioner Bentley was unpopular among the former soldiers since he had rigorously investigated into the authenticity of many pension claims.

Grover Cleveland (in office 1885-1888 and 1893-1896) vetoed the Dependent Pension bill on February 11, 1887. The President pointed out that the soldiers of the Civil War, in their pay, bounty, pension provisions, preference in public employment, and care for the needy in soldiers' homes, had "received such compensation for military service as has never been received by soldiers before, since mankind first went to war." Another of the President's arguments against the proposed bill was based upon "the widespread disregard of truth and good faith" already existing in the prosecution of pension claims. The message also showed that the President was concerned over the probable effect of such a pension law in obstructing his plans for the reform of the federal system of taxation.

On the whole, the Republicans derived great political advantage from the pension issue, and it may even have been the deciding factor in the election when Benjamin Harrison defeated President Cleveland by detaching Indiana and New York from the states that had supported Cleveland in 1884. The *Harrison administration (1889-1892)* came into power in 1889, strongly committing to further pension legislation and to a liberal administration of the Pension Bureau. He was said to have instructed Commissioner Tanner to "be liberal with the boys."

After the *McKinley Administration (1897-1901)*, during which no important pension bill was passed, the Roosevelt Administration (1902-1908) granted the veterans a part of what they desired by the issuance of Order No. 78 from the Bureau of Pensions to take effect April 13, 1904.

William H. Taft (in office 1909-1912) signed the McCumber bill in 1912. This bill endorsed a combination of age and service standards to be incorporated into the pension rate (Glasson 258).

Commissioners between 1870 and 1900

Commissioner James H. Baker (early 1870s) He recommended that all the needful provisions of past pension legislation, cleared of what was doubtful, contrary or cumbersome, be codified into one act. He thought that no additional or more liberal legislation was needed. Later, in his report for 1872, he recommended the establishment of a rate between \$8 and \$18. Due to his influence, the so-called "Consolidation Act" was introduced in 1873.

Commissioner James A. Bentley (mid to Late 1870s) He gave considerable attention to the methods used by the pension attorneys in persuading persons to file claims. He said that the country was being

³ Selected from Glasson 1918.

continually advertised and drummed from one end to the other by claim agents in pursuit of persons who had honest claims, or of those who were willing, in consideration of the fact that it would cost them nothing unless they won their pensions, to file claims that had no merit, leaving it to the ingenuity and cupidity of their agents to “work” the cases through. The Commissioner also called attention to the fact that professional claim agents and claim firms at Washington and other points were advertising their business by “employing for that purpose in some instances sheets issued in the form of periodical newspapers purporting to be published in the interest of the soldiers, the columns of which contained matter in which apparent anxiety for the soldiers’ welfare and appeals to their love of gain were cunningly intermingled.” Mr. Bentley proposed in 1879 a new plan for hearing and settling pension claims. This plan proposed to bring claimants and their witnesses face to face with officers of the government, by dividing the country into districts, and assigning one learned surgeon and one competent legal clerk to each district, who should go from place to place in the district and collect the testimony offered in support of the claim. He pointed out in his report for 1879, that there was every incentive to fraud, both in the prize to be obtained and in the weakness of the adjudicating system as a protection to the government against imposition. Commissioner Bentley had displayed both ability and courage in his constant efforts to improve the administration of the Pension Bureau and to protect the government against fraud. But his bitter opponents, the Washington claim agents, succeeded in making him unpopular with the former soldiers.

Commissioner W.W.Dudley (June 27, 1881 -End of 1884) He used several of the employees of the Bureau as personal assistants. In one Indiana case it appeared that the Republican candidate received unusual favors from the Pension Bureau in the matter of expediting pension cases to aid his campaign against the sitting Democratic member.

Commissioner John C. Black (March 1885-End of 1888) He was a Union Army veteran with a liberal spirit. According to him, the Pension Bureau under his predecessor had been “all but avowedly a political machine, filled from border to border with the uncompromising adherents of a single organization. ...The enormous array of the medical boards established in every quarter was almost solidly partisan; made so not openly but surely. People of one faith filled every one of the great agencies. Examiners, trained in unscrupulous schools, traversed the land as recruiting sergeants for a party. ... a tide of men and money was poured by this office into the sections where political struggle was progressing.” The Commissioner’s intention was to have all parties represented among the employees and to put the Bureau on a business basis.

Commissioner James Tanner (Beginning of 1889-October 1889) He was appointed after President Harrison had been inaugurated. Tanner was a veteran who had lost both legs in service, and he was generally known as Corporal Tanner. Tanner had been a claim agent, and was a warm friend of George E. Lemon, the leading Washington pension attorney. Once in office, he rerated pensioners who had made no application and sent them checks for thousands of dollars of back pension. Employees of the Bureau were given a generous share in the pleasant distribution. When the rerating practice was investigated, the conclusion was reached that an indefinite number of them involved a violation of the law of the practice of the Department. A number of the employees of the Pension Bureau who had been most directly concerned in rerating themselves were dismissed.

Commissioner Green B. Raum (October 1889-End of 1892) He was a man of no high sense of official propriety. The investigation of the Raum administration brought to light many facts and incidents that showed the low moral tone prevailing in the Pension Bureau. Under his administration, claimants were permitted to combine various small and nominal ratings for slight disabilities and thus to make up an aggregate that would entitle them to a pension. The practice of combining small rates under the act of 1890 was disallowed by the Department of the Interior in January 1893. It was then held that in the aggregate such small disabilities might not disable a person for the performance of manual labor to a much greater degree than any one of them existing alone.

Commissioner William Lochren (Beginning of 1893-End of 1896) In his report for 1894, Commissioner Lochren said that 2,266 cases had been dropped and 3,343 reduced to lower ratings. He said that pensioners were not disturbed unless the allowance was clearly wrong or illegal. Commissioner Lochren was also active in reducing excessive ratings under the general law system, and was engaged in litigation in which his right to reduce pensions erroneously or illegally rated was sustained.

Commissioner H. Clay Evans (Beginning of 1897-End of 1901) He commented on the practice of the Pension Bureau in administering the act of 1890: "The Department's interpretation of the law has been that under said act pension is provided only in cases where incapacity to labor joins with incapacity to earn a support. I am free to say that the practice has never been to inquire into the capacity of the claimant to earn a support. The prosperous have been pensioned alike, on application, with the less fortunate, plainly on showing disabilities or disease, without any reference to the claimant's wealth or capacity to earn a support."

Commissioner Ware (Beginning of 1900s) Commissioner Ware was a lawyer and a poet, as well as a great believer in the sentimental side of the pension question. The consideration that a pension was an equivalent for disability was "the hard, pig iron side" of the question; the sentimental side was that old soldiers should not go to the poor-house, whether they had been shot to pieces or not, or whether they had been improvident or not.

5. Influence of the Claim Agents and the Press⁴

The group of Washington claim attorneys became active in stimulating the demand for additional pension legislation. Applicants might establish their claims by any other satisfactory testimony. Pension attorneys exerted the best efforts to secure new applications. To prevent the loss of their lucrative business they began an aggressive agitation for new legislation. Attorneys persuaded persons to file claims. They pursued persons who had honest claims, or those who were willing, in consideration of the fact that it would cost them nothing unless they won their pensions, to file claims that had no merit, leaving it to the ingenuity and cupidity of their agents to "work" the cases through. There were professional claim agents and claim firms at Washington and other points, where they used newspapers to advertise their service. In their efforts to give a new impetus to the expansion of the pension system, the claim agents made use of "arrears" as a rallying cry with which to attract the support of the veterans and their widows. National Tribune and Citizen Soldiers (See Appendix A) were only two of many claim agents' publications enlisted. "A prolonged lobbying campaign was conducted in Washington by a claim agent, Captain R.A. Dimmick, who acted as the representative of a Committee of Pensioners which he had himself organized. He solicited and received contributions in aid of his work. After the Arrears Act finally became law, he asserted that its passage was due to his efforts. With the assistance of several government employees and claim agents who had been associated with him, he sought to raise by subscriptions from the many thousands of pensioners benefited a money testimonial as a reward for his services. The appeal for such subscriptions, which was sent out to the pensioners of the country in the form of a circular letter, was supported by ten firms of pension attorneys (Glasson 157)." These pension attorneys certified that to Capt. R.A. Dimmick, of this city, is entirely due the management and direction of the prosecution of the arrears of pension bill, which has become a law. To him especially, every pensioner is indebted for the success which has crowned his effort (Glasson page 157 footnote 1).

On June 19, 1878, the Cummings bill, which was an Invalid Pension bill sought to be a substitute for the Arrears Pension bill, came with the amendment: "No claim agent or other person shall be entitled to any compensation for services in making application for arrears in pensions." The Cummings bill

⁴ Selected from Glasson 1918.

finally became law. Mr. Cummings, sponsor for the measure in the House of Representatives, testified that he had this amendment inserted to meet the charge that it was a “lobby bill.” Superficially, this provision may seem to have deprived claim agents of all pecuniary interest in the passage of the bill. Nothing could be farther from the truth. The amendment served, in fact, as a cunning blind, and gave to the bill the appearance of being wholly for the benefit of the soldiers and their dependent relatives. In the arrears law the great point of importance was not that it granted millions of arrears on claims already allowed, but that it offered arrears dating from the time of death or discharge to all future applicants who should succeed in establishing original Civil War claims. Here was a premium, often one thousand dollars or more, placed on the establishment of new claims, with the amount of arrears in prospect accumulating year by year. Claim attorneys needed no unusual keenness of mind to perceive that, in all probability, this extraordinary stimulus would enable them to bring upon the Pension Bureau a flood of original claims from all parts of the country.

The Arrears Act (passed on January 25, 1879) gave a remarkable impetus to the filing of new claims. The total number of original Civil War claims presented in 1877 was 22,169; in 1878, 25,904; in 1879, 47,416; in 1880, 138,195. On these new claims, the pension attorneys were legally entitled to collect fees. In 1880, it was estimated by a competent witness that about six-sevenths of the business before the Pension Bureau was in the hands of less than a hundred attorneys. In a statement made by Commissioner Bentley to a committee of the House of Representatives on June 12, 1880, he pointed out that Lemon had an estimate of 30,000 claims⁵; and Fitzgerald, about 25,000. Fewer than ten attorneys represented one-half of all pending claims on the files of the Pension Office. These accumulations of claims made a great and very profitable business to these gentlemen under the present system. The great volume of new business caused the group of Washington pension attorneys to grow prosperous and powerful. By constant advertising and drumming, a few of the most active attorneys succeeded in concentrating in their offices the prosecution of a great majority of outstanding claims. When Commissioner of Pensions Bentley proceeded with caution and deliberation in the settlement of claims and established regulations to safeguard the interests of the government, the group of attorneys started a general attack on his administration of the office and circulated among the former soldiers petitions for his removal (See Glasson page 166 footnote 1).

Regarding litigation expenses, many administrative matters were dealt with by the act of 1862, including provisions regulating attorneys’ fees, imposing penalties for frauds by agents and attorneys, regulating the appointment and fees of examining surgeons, and authorizing the Secretary of the Interior to appoint a special agent to assist in the prosecution and detection of pension frauds. Attorneys’ fees under the act of 1890 were limited to \$10. However, the legal collection of the ten-dollar charge by claim agents did not take into consideration such sums as they might obtain by their common evasions and violations of the law. For example, they collected subscriptions from the beneficiaries of the Arrears Act and obtain commission on such subscriptions⁶. Pension attorneys

⁵ The testimony of George E. Lemon in House Report No. 2683, 48th Cong., 2d Sess. Claim agent Nathan W. Fitzgerald testified that Mr. Lemon had told him that he [Lemon] had spent \$50,000 in getting the fee provision of July 4, 1884, through Congress. Mr. Lemon denied this but admitted that he had paid \$3,500 to Robert G. Ingersoll and others for attorneys’ fees for services in connection with the passage of the bill. In this same investigation (January 15, 1885) Mr. Lemon testified that, including claims that had been rejected, he probably had in his hands 125,000 pension claims. The claims in his office might number even as high as 150,000. Of these 60,000 or 70,000, and perhaps as many as 100,000, were pending claims. He thought that he had more claims in his hands than all the other attorneys of Washington put together. Mr. Lemon had admitted on oath to Congress that he had paid thousands of dollars to attorneys to lobby through a conference committee a bill which increased his fees from \$10 to \$25, and gave him, it has been estimated, a million and a half of dollars, taking it out of the pensions of the soldiers and their widows.

⁶ An account has already been given of the attempt of Captain Dimmick and his associate lobbyists to raise a testimonial fund for themselves by means of subscriptions collected from the beneficiaries of the Arrears Act. The plan was to allow a number of claim agents a percentage of commission on all such subscriptions they obtained from their clients. This particular scheme was exposed before it produced great results.

filed the application for the applicants; drew their \$10, and gave notice that the papers were complete and that the applicant only needed to send them to his member of Congress and his case would be attended to promptly.

Vigorous editorials in opposition to increased pension expenditures appeared generally in the newspapers of large cities. Those editorials include the *New York Sun*, *Cincinnati Commercial*, *Boston Herald*, *Chicago Tribune*, *Philadelphia Times*, *Utica Observer*, *St. Louis Globe-Democrat*, *New York Tribune*, *Utica Herald*, and *Chicago Times* (Glasson 183).

6. Medical Examination Procedure: Case Studies⁷

The evidence gathered (see Appendix B) supports the following facts:

Appointment of Surgeons An examining surgeon was recommended by the Bureau of Pensions from the pool of graduates of distinguished medical schools. He had to provide, upon the receipt of the recommendation, a résumé that described his personal and professional history. His credentials were carefully inspected by an inspector, who would gather information from other sources such as medical society. The inspector would inform the Bureau of the adequacy of this candidate. After the Medical Referee had made his recommendation, the appointment would be authorized. Surgeons were not considered federal officers. Therefore, they could be appointed on a contract basis.

Duties of Surgeons Before 1929, three surgeons would serve on each particular pension board. They were supposed to form independent judgments of an applicant's disabilities. Although one of them would usually take notes during the examination, and there was evidence of some dominant surgeon among a group of three (Case of Pledger). After 1929, only one surgeon was needed to examine a claimant. Surgeons were well-supervised. They had to report any changes that occurred which would affect their practices. For example, they had to notify the Bureau for change of address, change of hours or absence. Patients could also file complaints against the surgeons for unfair or discourteous treatment during the examinations. One final diagnosis was agreed upon for writing up the certificate. The verdicts from the surgeons became highly standardized by requiring them to conform to the descriptions in the 1902 Book of Instructions. Existing evidence (Case of Combs) suggests that diagnoses from surgeons on different boards were consistent.

Compensation to Surgeons Before 1929, a surgeon got paid \$3 per examination. After 1929, a surgeon got paid \$5 per claimant and he performed only about one-third of the number of examinations he made before as a board member. It is not clear whether surgeons always got paid on time or in the right amount by the government. There was incidence of complaint about their pay overheard by some patient (Case of Pledger).

What a Claimant Should Do After a claimant filed initially, or filed for an increase, he would be notified by the Bureau to go to the nearest pension board within the next ninety days for an examination. He could only switch to another pension board with good reason. Otherwise, if he did not have his examination done at the designated board, the order would become invalid. The claimant was asked to describe his symptoms to the surgeons during the examination. Should he not be satisfied with the way he was treated by the surgeons, he could file a complaint to the inspector of the Bureau. Outside evidence of his disabilities would usually not help, because the surgeons based their judgment on diagnoses at hand (Case of Pledger).

7. Conclusion

⁷ The cases are drawn from Glasson 1918, examples of surgeons' certificates and other legal documents found at the National Archives in Washington, DC.

The objective of this document is to provide some facts on the legal specification of and the political influence on the Civil War pension system. Examples of cases described in the surgeons' certificates are used to infer the medical examination procedure required by the Pension Bureau. The tabulation of pension provisions by chronological order is extremely useful for researchers who are interested in the political aspects of the Civil War pension system. The tabulation is also valuable for analyses where the expansion of pensions should be adequately controlled for, such as the study of chronic diseases using surgeons' ratings as a proxy for disease severity. The collection of cases helps researchers better understand the timing of each step in the application procedure. This understanding is crucial for the correct interpretation of the complicated Military and Surgeons' Certificates Data Sets.

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Appendix A: Selected Newspaper Citations

New York Times

October 21, 1884: "The special agents of the Pension Bureau who bought votes for the Republican ticket in Ohio by assuring pension claimants that, in return for their political support, their claims would be advanced on the list and adjusted at an early date are now at work in Indiana."

February 10, 1887: "We have already said that we believed the President (Cleveland) would be fully sustained in vetoing the Dependent Pension Bill by the veteran volunteers of the war for the Union and by the people generally. It is now more than probably that he would be sustained by enough members of Congress to kill 'the bill.'" The *Times* was a leader in denouncing the bill, and in repeated editorials it advocated a veto.

July 8, 1887: "As the President is a Democrat, and as a new Presidential contest is coming on next year, the prominent politicians in the organization were under a strong temptation to try to swing it against the administration. Some of them being more politicians than patriots, and, not gifted with great sagacity, have plainly yielded to that temptation."

July 26, 1889: "Commissioner Tanner rerated Senator Manderson without application for examination and sent him a check for \$4,300. On learning that the rerating was irregular, the Senator refunded the money (Glasson 227 footnote 2)."

The Nation

The February 17, 1887 Issue, called the veto of the Dependent Pension Bill the most striking event of Cleveland's administration⁸. It said: "The veto thus presents him in the character of a careful, wise,

⁸ According to *Public Opinion*, another newspaper being circulated at the time, in February 1887, out of editorial expressions from 103 newspapers on President Cleveland's veto, 74 were favorable, including 18

and courageous executive, who, by the exercise of a great constitutional prerogative, has defeated an outrageous scheme which was hastily passed by Congress in a characteristic fit of carelessness, folly, and cowardice.”

The National Tribune

The publication was started in Washington in October 1877 by George E. Lemon, a leading pension attorney. Appearing at first monthly and later weekly, it professed devotion to the interests of soldiers and pensioners. Advertisements of Mr. Lemon’s business were prominently displayed. From its first number, Mr. Lemon’s publication entered upon an ardent campaign for arrears of pension legislation. As of January 15, 1885, Mr. Lemon testified before a committee of the House of Representatives that the *National Tribune* was going to between 18,000 and 19,000 post offices and had 112,000 paid subscribers. It was still being published in 1916. It was the largest and most influential soldiers’ paper, but there were many others of like character. It contained much historical and literary matter interesting as family reading.

The National Tribune cited arguments for the Dependent Pension Bill in 1887 and said: “Against all this Mr. Cleveland sets up his individual opinion and arrogantly overrides an act of Congress done with unusual deliberation, by men of the highest integrity and patriotism, in response to a public demand of extraordinary earnestness.”

Citizen Soldier

Published by N.W. Fitzgerald, a claim agent. There were many claim agents’ publications at the time, lobbying campaign for the arrears payment.

Appendix B: Selected Pension-Related Documents⁹

Are pension examiners partisan¹⁰?

Over one hundred special examiners of the Bureau were in Ohio during Commissioner Dudley’s reign, some on regular duty and others on leave of absence. Practically all were Republicans. The normal number of special examiners employed in Ohio was a little over sixty. It was charged by the Democrats that these special examiners were sent into closely contested Congressional districts and that they gave pension claimants to understand that it would be to their advantage to vote the Republican ticket. Commissioner Black claimed that the medical boards in 1884 before his appointment were almost solidly partisans, not openly but surely. Another abuse mentioned was that employees had been appointed in the Pension Bureau through the influence of outside parties, and afterwards had acted as agents to aid in the preparation of cases which the outside parties were prosecuting. One clerk had confessed that he acted as agent for one man in aiding to prepare from 300 to 400 cases.

The Power of Commissioner of Pensions: the Case of Frank A. Butt¹¹ and the Case of Charles D. Long¹²

Republican, 18 Independent, and 38 Democrat. Those unfavorable were 28, including 26 Republican, 0 Independent, 2 Democrat.

⁹ Source: Glasson 1918 and selected cases from the National Archives.

¹⁰ Source: Glasson 197-199.

¹¹ Source: Glasson 227 footnote 1.

¹² Source: Glasson 240 footnote 1.

The case of Frank A. Butt is typical for large arrears payment increase under the rulings of Commissioner Tanner. He was a principal examiner in the Pension Bureau at a salary of \$2,000 a year. His original application for pension was filed on December 6, 1879, alleging disability from malarial disease. He was twice examined by boards of surgeons and found not disabled. Finally he was granted a pension on March 13, 1882 for disability from malarial poisoning at the rate of \$7.50 from August 1, 1865. He was examined by a board of surgeons of the Pension Office on April 29, 1889. On May 3, 1889, Commissioner Tanner reissued his certificate, allowing the rate of \$17 a month from August 31, 1865, and \$30 from April 27, 1889; the total amount allowed under this last decision being \$2,196.54, which was paid to the pensioner on Commissioner Tanner's requisition. Some of these cases were "48 hour cases," that is, they were hurried through an examination and the pension was increased within two days.

Long was one of the judges of the Supreme Court of Michigan. Judge Long was one of the pensioners rerated by Commissioner Tanner in 1889. He had lost his left arm above the elbow and suffered a gunshot wound of the left hip. For many years he had been pensioned at \$72 per month for total and permanent helplessness. Finding him to be a man of apparent vigor, discharging his duties on the bench of the Supreme Court of Michigan, Commissioner Lochren notified him to show causes why his pension should not be reduced to \$50 a month. The pensioner fought the reduction in the courts. Finally the Court of Appeals of the District of Columbia decided in favor of the power of Commissioner Lochren to reduce the pension, in an opinion filed June 6, 1895. This was an important test case in view of the Commissioner's activity in reducing improperly rated pensions.

Medical Examination Details: the Case of Jonathan Combs¹³

Combs filed pension certificate 285712. The first available record of his examination was dated June 18, 1902, when Combs tried to apply for a rate increase. He was diagnosed with disease of left ear, and resulting total deafness. He was also diagnosed of varicose veins in both legs, chronic diarrhea and resulting disease of rectum. All the above disabilities were mentioned in the previous examination, which had previously entitled him to \$17 per month. When asked about the originality of his disabilities and the date of first discovery, Combs stated that he had disease of left hip, heart, and rheumatism, all of which were contracted during service. The result of this examination dated June 18, 1902 allocated him \$17 per month for deafness, varicose veins, diarrhea, and aches from rheumatism.

On June 24, 1902, the surgeon's certificate was returned to the examining surgeons for amendment before it was promptly turned in again by the surgeons to the Bureau. The amendment requested a full report on the alleged disease of the left hip and rheumatism, as well as a full report on chronic diarrhea. Those reports should follow the guidelines on page 79 and page 98 of *Book of Instructions*, a reference provided by the Bureau of Pensions to be used by surgeons to standardize their diagnoses.

On March 1, 1905, the surgeon's certificate was issued for the same pension certificate 285712 when Combs again tried to apply for an increase. Combs apparently moved from Auburn, Illinois to Glenarm, Illinois. He changed from Carbinville Pension Board at Illinois to Litchfield Pension Board at Illinois for the examination. At the age of 65, he was described as having disease of left ear and resulting total deafness of the same as was before, varicose veins of both legs, chronic diarrhea and resulting disease of rectum. He was allocated \$17 per month for his disabilities. The Carbinville and Litchfield Boards delivered consistent diagnoses. Combs stated that during the siege of Knoxville, the continuous report of the canon under which he lay in supporting the artillery affected the left ear in such a way as to result in deafness. He claimed that varicose veins of both legs were developed during Atlantic Campaign of 1864-5. His diarrhea began in 1864-5 and continued until it turned into

¹³ Source: the National Archives, Pension of Jonathan Combs, Company H, 107 Illinois Infantry, certificate 285712.

the rectal trouble. On March 23, 1905, the surgeon's certificate was returned for amendment. The statement of ear disease was not satisfactory and should be supplemented by a statement joining the distance at which the claimant can or cannot hear the standard tones (loud or ordinary) as indicated in the 1902 *Book of Instructions*.

On November 4, 1911, the surgeon's certificate was issued for the same pension certificate 285712 in Litchfield when Combs attempted another increase. Combs, then at the age of 71, was diagnosed of disease of left ear that resulted in total deafness of the same as before, varicose veins of both legs, chronic diarrhea that resulted in the disease of rectum. He was rated at 17/18 (\$17 per month). Combs gave the same reasons that related his disabilities to service as he did in 1905. This time, the doctors did test the hearing of each ear separately in accordance with the book of instructions.

In October 1912, the surgeon's certificate was issued for the same pension certificate 285712 under the General Law. Everything was the same as before, except that in this certificate, Combs was allocated a pension of \$24 per month.

*Medical Examination Details: the Case of Charles Pledger*¹⁴

The first complaint from Charles Pledger was presented to C.R. Raum, Inspector of the Bureau of Pensions on March 10, 1925 at Straven County of Shelby in Alabama. He was referred to the Board of Examining Surgeons at Birmingham, Alabama, on October 1, 1924. The three surgeons who examined him were Dr. Clapp, Dr. Jones, and Dr. Watterston. Pledger did not believe that he was treated with courtesy by Dr. Watterston, the Secretary of the Board. For example, Dr. Watterston snapped at Pledger in every manner possible, when Pledger was slow in describing the symptoms to the doctors, and talked to Pledger "like [he] was a slave nigger or something." Pledger did not think the surgeons had examined him thoroughly. An interesting observation made by Pledger that day was that there were some discussions about the charges in such examinations among the doctors, which was probably about how much the government owed them. Pledger felt that Watterston was in an ugly mood and he took spite out on the patient.

The second complaint from Charles Pledger was prepared by John O. Cooper, Pledger's deponent, and presented to C.R. Raum, Inspector of the Bureau of Pensions on May 26, 1925 at Birmingham County of Jefferson in Alabama. Pledger served in the Alabama Infantry during the War with Spain. He enlisted on April 30, 1898 and was discharged on October 31, 1898, both at Birmingham, Alabama. He claimed not to be able to perform any manual labor since 1918. In 1920, he was in the T.C.I. Hospital for about 10 weeks where he was under the care of Dr. Shackelford. He filed a claim and was examined by the Board of Examining Surgeons at Birmingham, Alabama on August 10, 1922. The three surgeons were Dr. Jones, Dr. Clapp, and Dr. Watterston. Each of the doctors catered to different complaints from Pledger. Dr. Jones looked into his mouth and teeth and made a urinalysis. Dr. Clapp examined his lung, heart and abdomen. Dr. Watterston addressed the problems of the ankle and the rectum. It is not clear whether the three would form independent judgments, since Pledger noted that Dr. Watterston had consulted Dr. Clapp twice for his opinion. Dr. Clapp seemed to play a decisive role in rendering the final diagnosis, although Dr. Watterston took notes during the examination and he usually took part in the examination. Since Dr. Clapp did not deem the complaints from Pledger founded, Pledger's file for pension was rejected. Pledger claimed that he was not in the examination room over twenty minutes, and he was "treated like just one of the common herd." An interesting fact was that at one point, Pledger offered an X-Ray picture made of his stomach while he was in the T.C.I. Hospital, but was told that it was unnecessary to show the pictures. It is not unreasonable to conclude that surgeons on the pension Board turned down outside evidence to prevent possible fraud.

¹⁴ Source: the National Archives, Pension of Charles Pledger, Company A, 1 Alabama Infantry, certificate 1448834.

*Professional Qualification of Pension Examiners: Question to and Reply from Hon Davenport, Commissioner of Pensions*¹⁵

The question from Frank Plumley, dated October 3, 1911, to Davenport, is whether a graduate of a regular osteopath college could be acceptable as a member of the Board of Examining Surgeons?" The answer from Davenport, dated October 5, 1911, is that in the appointment of Examining Surgeons, only graduates of recognized medical colleges are considered. Therefore, a graduate of a regular osteopath college would not be acceptable for appointment.

*Eligibility of Pension Examiners: the Appointment Letter of Dr. Frank Creamer*¹⁶

This letter, dated May 21, 1913, highlights some important facts about the eligibility of examining surgeons of the Bureau of Pensions. Dr. Creamer currently holds the position of a contract physician in the Indian Service. The letter granted permission to appointing him to an examining surgeon of the Bureau of Pensions.

According to the letter, physicians could be those regularly assigned to the work, and whose entire time is devoted to the performance of their official duties (class one physicians). These physicians may be regarded as officers of the Government. They could also be employed by contract, at a stipulated rate per annum, who devote a portion of their time to the work of the office (class two physicians). The class two physicians are not regarded as officers of the United States, but simply as contract employees whose services may be dispensed with at any time.

In the case of officers of the Government, there are two classes of Federal officers: those of the first class are appointed by the President and confirmed by the senate; and those of the second class are appointed by the President alone, by the courts of law, or by the heads of Departments. The association of the words, "heads of Departments" with the President and courts of law strongly implies that something different is meant from the inferior commissioners and Bureau officers who are themselves the mere aids and subordinates of the heads of the Departments. It follows that neither an examining surgeon, appointed by the Commissioner of Pensions, nor a contract physician in the Indian Service, appointed by the Commissioners of Indian Affairs, is a Federal officer, within the purview of the Constitution.

*Supervision of Examiners from the Pension Bureau: the Appointment of a Committee to Standardize Forms of Letters from the Pension Bureau*¹⁷

The instructions to the committee were handed out on March 8, 1923. The committee was composed of chiefs of the following divisions: Army & Navy, Record, Civil War, Medical, Chief Clerk's, Law, Finance, Special Examination, Disbursing, and Certificates. The committee kept track of changes occurring in the roster of pension examiners, including change of address of any member, death or removal from city of member, change of location or place of meeting or hour, vacancies existing for any reason, and any negligent or discourteous behavior to pension applicants. The roster change was to be issued daily if possible, and to be confirmed by other sources of information.

Commissioner Gaylord Saltzgaber believed that this would bring about a more uniform style of letter writing throughout the Bureau.

¹⁵ Source: reproduced at the National Archives, originated from the U.S. House of Representatives, Washington, D.C.

¹⁶ Source: reproduced at the National Archives, originated from the Law Division, Department of the Interior, Bureau of Pensions, document 3-1868, Washington, D.C.

¹⁷ Source: reproduced at the National Archives, originated from Bureau of Pensions, Gaylord M. Saltzgaber, Commissioner, Washington, D.C.

Rules Applying to the Appointment of Examining Surgeons: Issued by Department of the Interior, Bureau of Pensions, Dated July 1, 1927¹⁸

Recommendations shall be sought through the same channels as heretofore. The request for a recommendation should be for the best available man regardless of political affiliations, as the Pension Bureau is most desirous to secure as examining surgeons men competent to render high class service.

Upon receipt of a recommendation, the physician recommended should be called upon to indicate a willingness to accept an appointment if tendered, and furnish the usual data as to his personal and professional history.

The statement of personal and professional history should be referred to an inspector who shall report as to standing, especially professional, in the community, incorporating in his report, as far as practicable, what may be gleaned from an officer of the local medical society regarding the person under inquiry.

If, for some good reason, reference to an inspector is deemed inadvisable or inexpedient, necessary information regarding the applicant may be gained by correspondence.

The application for appointment and information regarding the applicant shall be referred to the Medical Referee for comment, after which the Commissioner of Pensions shall direct issuance of commission, if in judgment, appointment is authorized.

Forced Retirement of Surgeons at 70 Years of Age: Extract of an Act on March 4, 1929¹⁹

All necessary medical examinations of claimants or pensioners shall be made by one physician or surgeon, duly appointed under the Act of July 25, 1882, and duly designated for such examination by the Commissioner of Pensions, except when in the judgment of the said Commissioner the examination should be made by more than one. The fee paid shall be \$5 for each examination, foreign or domestic.

Under this Act, there is no longer the necessity of having as many physicians rostered for this medical work as when it was done by boards of three examining surgeons. Each surgeon will be called upon to make about one-third the number of examinations he made as a board member. A surgeon used to make \$9 per examination when he participated in all the examination together with the other two surgeons. The new rate of \$5 per examination payable to a surgeon who would perform only one-third the number of total examinations, would be about five-ninths of the amount paid to him previously. To make the medical work under the new system fairly remunerative, there must be a reduction in the number of examining surgeons.

Such being the case, and having in mind the policy of the Government, as expressed in the civil service retirement law, of retiring employees attaining the age of 70 years, it has been decided to drop from the roster of examining surgeons all who are now 70 years of age or over, and to discontinue the services hereafter of examining surgeons on their reaching the age of 70 years.

¹⁸ Source: reproduced at the National Archives, originated from Bureau of Pensions, E.W. Morgan, Acting Commissioner, Washington, D.C.

¹⁹ Source: reproduced at the National Archives, originated from Department of the Interior, Bureau of Pensions, Office of the Commissioner, document 30644 and document 3-1901, Washington, D.C.

*Medical Examination Protocol: Letters between Chief Clerk, Bureau of Pensions in Los Angeles and the Acting Commissioner of Pensions*²⁰

This letter (undated) from the Chief Clerk discussed the replacement of regularly employed, full time physicians to take charge of medical examinations of pension applicants of veterans in Los Angeles.

Dr. Malaby was one of the seven examining surgeons who made medical examinations of pension applicants resident in or near Los Angeles, California. He was appointed on June 20, 1923 on the recommendation of Hon. Lineberger. Orders for medical examinations were to be apportioned as evenly as possible among the seven surgeons. Dr. Malaby was sent most of the orders from applicants within the vicinity of his residence.

It is suggested in the letter that regularly employed physicians on full time duty be used to examine veterans in Soldiers Homes or Regional Offices of the Veterans' Bureau to reduce their travel distance. When the plans under consideration were perfected, there would be very little work for the examining surgeons at Los Angeles. It is proposed to still continue them on the roster of surgeons so that they would be available for service whenever it is deemed advisable to have some examinations made by them.

The reply from the Acting Commissioner E.W. Morgan, dated May 26, 1930, stated that in ordering medical examination, no attention is paid to county lines. An applicant is ordered before his nearest U.S. examining surgeon, unless he has recently been examined by that surgeon, in which event the order is issued to the next nearest available surgeon. After the orders are issued, conditions often present themselves which make a difference in the number of examinations made by surgeons in any certain city, even though the orders are evenly distributed when issued. For instance, a claimant may fail to appear within the ninety-day period of the validity of an order, in which case even the order is canceled. Claimants often object to appearing before the surgeons as ordered, and if they can show good reasons why a change of order should be made, the orders are cancelled and reissued to another surgeon. Morgan acknowledge the fact that a certain doctor in Los Angeles had fewer examinations than any of the other surgeons in this area. He assured a further attempt to look into the matter. The conclusion was that it is not possible to bring up the number examined by certain doctors to equal to the number examined by others, simply because not many applicants in the immediate territory.

²⁰ Source: reproduced at the National Archives, originated from Department of the Interior, bureau of Pensions, document 25421 and document 3-2502, Washington, D.C.