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SENATE

{ REPORT
No. 195

WALLER V. GIBSON

FEBRUARY 22, 1926.—Ordered to be printed

Mr. BROOKHART, from the Committee on Military Affairs, submitted the following

REPORT

[To accompany S. 1459]

The Committee on Military Affairs, to which was referred the bill (S. 1459) for the relief of Waller V. Gibson, having considered the same, report thereon favorably with the recommendation that it do pass.

The records of the War Department concerning this case and inserted as a part of this report, together with two affidavits executed by persons who were acquainted with Waller V. Gibson, and an affidavit executed by his widow.

REPORT OF THE WAR DEPARTMENT IN THE CASE OF WALLER V. GIBSON, PRIVATE, TROOP C, SECOND UNITED STATES CAVALRY

It is shown by the records on file in my office that Waller V. Gibson was enlisted December 19, 1894, at Nashville, Tenn., for three years; was assigned as a private to Troop C, Second United States Cavalry, and was honorably discharged as a private of that organization on December 18, 1897, at Fort Riley, Kans., by reason of expiration of term of enlistment. He reenlisted in the same organization December 29, 1897, at Fort Riley, Kans., for another three years, and deserted December 19, 1898, at Camp Forse, Huntsville, Ala., a private.

The medical records show that he was under treatment at intervals between April 6, 1896, and December 16, 1898, for furuncle on buttock; slight sprain of arch of left foot, misstep; two furuncles posterior aspect right thigh; furuncle right buttock; contusion, severe, dorsum, right hand, received in a brawl; malarial fever, quotidian, intermittent; dysentery; acute and malarial fever, remittent.

He was granted a furlough for two months on January 1, 1898, to March 1, 1898, and the September and October, 1898, muster roll of the company shows him on sick furlough since September 11, 1898, granted at Camp Wykoff, Long Island.

From correspondence on file it is shown that on September 24, 1898, Dr. S. K. Williams, Winfield, Kans., forwarded a medical certificate and requested an extension of Gibson's furlough granted him on September 11, 1898, from Camp Wykoff, Long Island. On October 6, 1898, an extension of his furlough for 30 days was granted.

On October 29, 1898, Doctor Williams certified that he had been treating Gibson, who had malarial fever with typhoid symptoms, swollen feet and limbs, enlarged spleen, recurring chills—physical wreck—probably unfit for duty for three or four months.

On October 30, 1898, the surgeon of the Twenty-first Kansas Infantry at El Dorado, Kans., requested a 60 days extension of Gibson's furlough, and on November 5, 1898, his furlough was extended for 30 days.

On September 8, 1899, the commanding officer at Fort Riley, Kans., stated that Gibson reported at that post on November 30, 1898, from sick furlough and was sent to Huntsville, Ala., the station of his troop. Nothing has been found of record to show the date he rejoined his regiment, but he is shown to have deserted on December 19, 1898, from Camp Force, Huntsville, Ala.

On September 2, 1899, Gibson reported at Marion, Kans., and offered to go to his regiment, and on September 19, 1899, he was instructed by this office to report to the nearest military post, but nothing has been found of record to show that he ever reported as instructed.

On July 27, 1910, Rev. M. L. Wilkinson, West Plains, Mo., requested the removal of the charge of desertion standing on the records against Gibson and stated in substance that Gibson was sent from Fort Riley to his regiment in Georgia, then about to go to Cuba, and that that meant death to him, so he left his regiment and went to his folks in Tennessee, where he shot himself in the arm or wrist and had it amputated.

Nothing has been found of record to show that Gibson reported to the military authorities of the United States as instructed by this office on September 19, 1899, and his final record is that of a deserter from December 19, 1898.

Respectfully submitted.

ROBERT C. DAVIS,
Major General, The Adjutant General.

WAR DEPARTMENT,
The Adjutant General's Office, February 3, 1926.

THE SECRETARY OF WAR.

STATE OF KANSAS, *Cowley County, ss:*

I, Louise E. Powers, do hereby certify that Waller V. Gibson, Troop C, Second Cavalry, was brought to the Arlington Hotel, Winfield, Kans. (an establishment owned and operated by myself and husband), in the month of September, 1898, just returned from Cuba, suffering with typhoid pneumonia, and was unconscious from the high fever. Dr. S. K. Williams, our family physician, was called and advised there was no hope of his recovery.

In testimony whereof I have hereunto set my hand and seal this 1st day of December, 1924.

LOUISE E. POWERS.

Subscribed and sworn to before me this 1st day of December, 1924.

[SEAL.]

ANNA L. TONKINSON,
Clerk District Court in and for Cowley County, Kans.

STATE OF MISSOURI,
Kansas City, county of Jackson, ss:

On this 18th day of January, 1926, personally appeared before me, a notary public in and for the county and State aforesaid, M. L. Wilkinson and E. S. Wilkinson, being 80 and 73 years of age, respectively, who, after being duly sworn, make the following statement in support of a bill to clear the military record of Waller V. Gibson, of Troop C, Second United States Cavalry: That we were personally acquainted with Waller V. Gibson during a part of his first three years' service in the Army at Fort Riley, Kans., in 1895, and we knew him more or less to the day of his death, over two years ago. After serving three years in the Army he reenlisted in same regiment, and during the Spanish-American War his regiment was sent to Cuba, where Mr. Gibson was taken sick with Cuban fever and was in the hospital a long time, and when his regiment was ordered back to the United States Mr. Gibson was not able to come with his company, but afterwards came back (although very weak from his long sickness) and joined his regiment, which was camped near New York City.

Mr. Gibson was granted a furlough to go home to his wife. He was very weak and not able to tell where he really wanted to go, as an affidavit in the Pension Office will show. Afterwards Mr. Gibson came to our home at Matfield Green, Kans., in 1898 while he was on his furlough and was still under the doctor's care. Mr. Gibson had always been conscientious in service to the Government, so when his furlough ran out, although physically weak and not able for service in the Army, he returned to his regiment. Now, being in this weak condition, he left the Army and came home to his wife, who was then living with us at Marion, Kans. Mr. Gibson appeared then at times to be unbalanced in his mind. He had given the best he had and all he had to the service of his country, and now this awful sickness that came upon him in the line of duty (and finally resulted in his death) was still holding its deadly grip on his body and mind. Now, at this time, while we were living at Marion, Kans., Mr. Gibson was reported to the Government and got orders from the Government to return to his regiment. Of course, at that time Mr. Gibson and his wife were in very limited circumstances, or you might say they were very poor people, and he did not have the means to go back to his regiment; but he was in touch with the Government, and Mr. Gibson's relation with the Government had always been highly satisfactory, except in case of his discharge. But now that the Government clearly had his record before them and a report of his location, just where he was and the fact that Mr. Gibson was not able to render any further service, also the fact that his sickness had everything to do with his leaving the Army, it is clear that the Government showed mercy to this faithful soldier, who had rendered over three years' service, and did not deal with him as a common deserter. Everything was done by Mr. Gibson and his wife that they were able to do to correct the mistake of his leaving the Army, and the Government seemed to acknowledge it. Mrs. Gibson was left with a big bill of expense because of Mr. Gibson's long continued sickness and funeral expenses. Will the committee please show kindness and justice to this poor war widow and her children by recommending Mr. Capper's bill to correct Mr. Gibson's military record and do all they can to have the bill pass Congress so that Mrs. Gibson can get her pension?

M. L. WILKINSON.
E. S. WILKINSON.

Subscribed and sworn to before me, a notary public, this 18th day of January, 1926.

[SEAL.]

S. R. SMITH, *Notary Public*.

My commission expires August 10, 1927.

AFFIDAVIT

STATE OF CALIFORNIA,

City of Watts, ss:

Personally appeared before me, a notary public in and for the city and State aforesaid, Oril L. Gibson, widow of Waller V. Gibson, a private in Troop C, Second United States Cavalry, who first being duly sworn by me makes the following statement:

I met Waller V. Gibson at Fort Riley, Kans., in 1895. At that time he was serving an enlistment of three years in Troop C, Second United States Cavalry, being honorably discharged December 18, 1897. He reenlisted December 29, 1897, in the same troop.

On April 19, 1898, Waller V. Gibson left Fort Riley, Kans., for the Southern States and later his troop sailed for Cuba. He took sick with typhoid pneumonia fever while in Cuba and suffered with malaria chills. He was in the general hospital when his troop left for United States of America and was unable to return with them. He arrived 30 days later on the convalescent boat, taking his own chance of being buried at sea. He landed in Montauk Point, N. Y., in September, 1898, and was granted a 30-day furlough to return home at Matfield Green, Kans.

Senator Plumb's wife was returning to Emporia, Kans., from Chicago, Ill., on the same train with Mr. Gibson and seeing his condition took charge of him until she reached Emporia, Kans. Mrs. Plumb's nephew met her at Emporia and took charge of Mr. Gibson until he reached Winfield, Kans. Mr. Gibson's condition was such that he was unable to give his right destination. Mr.

Plumb placed him in the Arlington Hotel in Winfield, Kans., and called Dr. S. K. Williams. He later found a letter in Mr. Gibson's grip and phoned me at Caldwell, Kans. When I arrived the following day, Dr. S. K. Williams told me his condition was very critical.

It was impossible for Mr. Gibson to get an extension of his furlough so he returned to his troop in Huntsville, Ala., still very weak and suffering from malaria chills, which lasted from 30 to 40 minutes.

I received word of his accident the following December, 1898. His right arm was shot and required an amputation, and later required a second amputation. Mr. D. E. Willis, of Nashville, Tenn., was taking care of him. Months later Mr. Gibson returned home at Marion, Kans., and we called the advice of several physicians and they said his arm would not heal unless he underwent another operation, which his physical condition would not permit.

My father wrote the Government of his condition and all the particulars in regard to his physical condition and received word that he must report at Montauk Point, N. Y. We had no money with which to send him there. I was working at this time in order to have enough money to pay the expenses incurred by his sickness and to maintain myself. His mental condition was such that at several times he attempted suicide. His physical condition was such that he was never able to hold a permanent job. As a result of this I was compelled to support the family of six, and the children were compelled to go to work at an early age to aid in the living expenses, and were not given the proper education.

Mr. Gibson's death occurred September 16, 1922, leaving me in debt \$1,200.

What I ask the Pension Office is, to put me in the list with all the other war widows, for if Mr. Gibson served his country faithfully over three years with not the slightest thing against him and used up all the power he had physically and mentally in this service it seems to me this will more than overbalance the mistake he made in leaving the Army. There is no doubt that the soldier's extreme sickness in Cuba and after he returned to the United States left his body shattered and his mind temporarily unbalanced and was the cause of his leaving the Army. Is the Government, for my sake and the sake of the children willing to forgive this mistake and place me in the accredited list. We have all suffered more than our share as a result of his shattered physical condition and we now ask that all these things be dealt with fairly and honorably and see if this should not be granted me.

ORIL L. GIBSON.

Subscribed and sworn to before me January 31, 1925.

[SEAL.]

W. W. COATES, *Notary Public*.

My commission expires April 10, 1928.

Your committee has studied carefully the evidence above set forth, believes the case to be a meritorious one, and urges that the bill be passed.

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