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69TH CONGRESS }
1st Session }

SENATE

{ REPORT
No. 1035

ARTHUR H. BAGSHAW

JUNE 9, 1926.—Ordered to be printed

Mr. BAYARD, from the Committee on Claims, submitted the following

REPORT

[To accompany H. R. 4664]

The Committee on Claims, to whom was referred the bill (H. R. 4664) for the relief of Arthur H. Bagshaw, having considered the same, report favorably thereon with the recommendation that the bill do pass without amendment.

The facts are fully set forth in House Report No. 835, Sixty-ninth Congress, first session, which is appended hereto and made a part of this report.

[House Report No. 835, Sixty-ninth Congress, first session]

The Committee on Claims, to whom was referred the bill (H. R. 4664) for the relief of Arthur H. Bagshaw, having considered the same, report thereon with a recommendation that it do pass with the following amendment:

After the word "appropriated," in line 6, add the following: "and in full settlement against the Government."

STATEMENT OF FACTS

The claim in question grows out of an injury to Arthur H. Bagshaw, a carrier in the post office in Lowell, Mass., in the year 1912, shortly before the general compensation law covering such cases was passed. Had Mr. Bagshaw been injured subsequent instead of prior to this enactment he would have come within its terms. Congress has heretofore taken favorable action in such cases. The most recent one is for the relief of Charles A. Carey (41 Stat., pt. 2, p. 1450, enacted in 1919).

In the pending case there is no doubt that the claimant was injured in line of duty; that the injury directly resulted in the loss of pay, \$268.80, the amount called for in the bill; that the claim has merit, as stated by the Postmaster General; and that had the injury occurred three or four years later the claimant would have been cared for by general statute. Therefore, your committee recommends favorable consideration of the claim.

POST OFFICE DEPARTMENT,
Washington, D. C., February 8, 1926.

HON. CHARLES L. UNDERHILL,
Chairman Committee on Claims,
House of Representatives.

MY DEAR MR. UNDERHILL: Complying with the request contained in your letter of January 25, 1926, I submit the following report on H. R. 4664, for the

relief of Arthur H. Bagshaw, a letter carrier of the post office of Lowell, Mass., for loss of pay on account of an injury alleged to have been sustained by him while in the performance of his duties as letter carrier at Lowell, Mass.

The records of the bureau of the First Assistant Postmaster General disclose that Arthur H. Bagshaw was appointed substitute carrier in the post office of Lowell, Mass., on July 1, 1908, and that he is now a carrier in that office in the \$2,100 grade. The official records fail to disclose any information relative to the injury alleged to have been sustained by Mr. Bagshaw while in the performance of his duties as letter carrier at Lowell in 1912, except such as set forth in a letter addressed to the chairman Committee on Claims, House of Representatives, by the Postmaster General, dated August 19, 1921, relative to a similar bill introduced in the Sixty-seventh Congress, first session, for Mr. Bagshaw's relief, being H. R. 1913.

Under date of February 6, 1924, I addressed to the chairman Committee on Claims, House of Representatives, a communication relative to H. R. 2194, for the relief of Arthur H. Bagshaw, and transmitted therewith copy of a letter dated August 4, 1921, from the postmaster of Lowell, Mass., relating to the injury sustained by Mr. Bagshaw, together with copy of letter addressed to you by the Postmaster General, dated August 19, 1921, with which there were also transmitted affidavits by Carrier Bagshaw and the physician who treated him at the time of the accident, which affidavits no doubt may be found in the files of your committee with H. R. 1913 of the Sixty-seventh Congress, first session.

At the time of the accident alleged to have been sustained by Mr. Bagshaw he was employed as a substitute carrier at 30 cents an hour on an average of eight hours daily, and due to this injury he was absent from duty from November 3, 1912, until June 9, 1913.

While there appears to be some merit in Mr. Bagshaw's case, I find myself unable to recommend the passage of the bill for his relief, as to do so would establish a precedent which inevitably would result in applications to Congress for private legislation on behalf of a large number of employees, or their heirs, who were injured in the service prior to the enactment of the United States employees' compensation act.

Very truly yours,

HARRY S. NEW, *Postmaster General.*

POST OFFICE DEPARTMENT,
Washington, D. C., February 6, 1924.

HON. GEORGE W. EDMONDS,
*Chairman Committee on Claims,
House of Representatives.*

MY DEAR MR. EDMONDS: I have received your letter of February 1, 1924, inclosing copy of H. R. 2194, for the relief of Arthur H. Bagshaw, a letter carrier in the post office of Lowell, Mass.

The records in the bureau of the First Assistant Postmaster General disclose that Arthur H. Bagshaw was appointed substitute carrier in the post office of Lowell on July 1, 1908, and that he is now a carrier in that office in the \$1,800 grade. The official records fail to disclose any information relative to the injury alleged to have been sustained by Mr. Bagshaw while in the performance of his duties as letter carrier at Lowell in 1912, except such as was set forth in a letter addressed to you by the Postmaster General, dated August 19, 1921, relative to a similar bill introduced in the Sixty-seventh Congress, first session, for Mr. Bagshaw's relief, H. R. 1913.

I transmit, herewith, copy of a letter dated August 4, 1921, from the postmaster of Lowell, relating to the injury sustained by Mr. Bagshaw, with the letter addressed to you under date of August 19, 1921, with which there were also transmitted affidavits by Carrier Bagshaw and the physician who treated him at the time of the accident, which affidavits no doubt may be found in the files of your committee with H. R. 1913.

While the statements contained in the postmaster's letter and in the affidavits of the carrier and his physician would indicate that there is merit in the case, I find myself unable to recommend the passage of the bill, as to do so would establish a precedent which would inevitably result in applications to Congress for private legislation on behalf of a large number of employees or their heirs who were injured in the service prior to the enactment of the United States employees' compensation act.

Sincerely yours,

HARRY S. NEW, *Postmaster General.*

LOWELL, MASS., July 22, 1921.

In re Arthur Bagshaw, of 92 Jenness Street, this city; injury to knee in 1912.

Aided by a few notes written at the time and from a close and continuous personal acquaintance with Mr. Bagshaw, I distinctly recall that he had a traumatic fursitis of the right knee, received, as I recall, while at his postal work.

I recall that we massaged, bandaged, mobilized, local applications, and divers lines of treatment, that other doctors were consulted and their suggestions followed, yet from November, 1912, to some time in June, 1913, Mr. Bagshaw could not perform his duties. It might be opportune to say that specific disease was ruled out, yet, Hg ointments were used, simply as a routine.

I can not explain why the swelling and the "squeaking" and "cracking" sounds lasted so long, but the fact was that they did, and I might add that the knee has never fully recovered, even on this date.

I might anticipate a question. Did he have a fractured patella? No; this was ruled out at the time. I believe the case was so simple for diagnosis that there could not have been an error when I pronounced it traumatic fursitis.

Respectfully,

EDWARD G. LIVINGSTON, M. D.

Sworn to before me this 22d day July, 1921.

[SEAL.]

FREDERIC B. LEEDS, Notary Public.

UNITED STATES POST OFFICE,
Lowell, Mass., August 4, 1921.

FIRST ASSISTANT POSTMASTER GENERAL,
Division of Post Office Service, Washington, D. C.

MY DEAR SIR: I beg to refer to your letter of June 20, 1921, initials SSD-JRT, my reply thereto dated July 5, 1921, and your letters of August 3, 1921, initials SP, relating to the bills introduced in Congress for the relief of Arthur H. Bagshaw and Mayhew A. Ross, city carriers in this office, on account of injuries sustained while in the performance of duty.

As stated previously, these accidents happened under a former postmaster, and the only evidence I have upon which to base a recommendation as to the merit of the claim of each carrier are the affidavits presented by the carriers from themselves, their physicians, and witnesses, if any. I have no reason to doubt the truth of these affidavits.

Inclosed I am forwarding affidavits left with me by Carrier Bagshaw from himself and his physician at the time of the accident. In the case of Carrier Bagshaw it should be noted that he was a substitute letter carrier at the time of his accident, employed at the rate of 30 cents an hour. He was appointed a regular carrier May 25, 1914. He was receiving constant employment, however, when the accident occurred, with few daily exceptions, and undoubtedly would have received constant employment had the accident not occurred, on an average of eight hours daily at 30 cents an hour from November 23, 1912, the first day of absence caused by his accident, until June 9, 1913, when he returned to work. Bill H. R. 1913 is returned herewith.

Carrier Ross is now slowly recovering from a serious illness of nearly three months' duration. As soon as he is able to take up the matter I will forward such affidavits and supporting evidence as he may care to submit in his case.

Respectfully yours,

JOHN F. MEEHAN, Postmaster.

AUGUST 19, 1921.

HON. GEORGE W. EDMONDS,
Chairman Committee on Claims,
House of Representatives.

MY DEAR MR. EDMONDS: Referring again to your letters of June 11 and July 28, relative to H. R. 1913, for the relief of Arthur H. Bagshaw, a city letter carrier in the Lowell, Mass., post office, I wish to say that this bureau is in receipt of a letter from the postmaster, dated the 4th instant, stating that the accident happened under a former postmaster and that the only evidence he has upon which to base a recommendation as to the merit of the claim is the affidavit of the carrier and his physician, and that he has no reason to doubt the truth of these affidavits, copies of which are inclosed.

The following is an excerpt from the postmaster's letter of the 4th instant:

"In the case of Carrier Bagshaw it should be noted that he was a substitute carrier at the time of his accident, employed at the rate of 30 cents an hour. He was appointed a regular carrier May 25, 1914. He was receiving constant employment, however, when the accident occurred, with few daily exceptions, and undoubtedly would have received constant employment had the accident not occurred, on an average of eight hours daily, at 30 cents an hour, from November 23, 1912, the first day of absence caused by the accident, until June 9, 1913, when he returned to work."

In view of the statements made by the postmaster and the statements by the carrier and his physician in the affidavits referred to, there appears to be some merit in the case.

Sincerely yours,

WILL H. HAYS.

LOWELL, MASS., July 17, 1921.

HON. JOHN F. MEEHAN,
Postmaster, Lowell, Mass.

DEAR SIR: The accident which I had happened about the 15th November, 1912, while I was delivering mail.

I found a combination package and letter box that would not open, and as frequently happened I bumped same a few times with my right knee to hasten the opening of the box. I felt the effect some at the time, but being busy passed it up and continued on with my work, the knee giving me little trouble, and being a substitute I needed the \$14.40 per week in supporting my family of six.

At week end, while sitting in the bathtub, I could not help notice the difference between the knees, the right one being very red and swollen. I called the family physician and he advised my staying at home for a few days, but the call for all the money I could get sent me back to work, but got so bad I had to stop work and lay to for a few weeks, the doctor said, and he kept saying so for nearly five months; then I got out on crutches. After loafing for 28 weeks, I returned to work on the parcel-post auto; kept it up until the speed got too much for me and laid off again for a few days; finally I returned to carry mail.

I had the services of three doctors to satisfy different people. The expense for same, including supplies, as near as I can remember was as follows:

Dr. E. G. Livingston	\$22. 50
Richard McCluskey	5. 50
Meigs (never sent bill)	0
Rubber stockings	8. 25
Crutches	1. 75
Petroleum and iodine for rubbing	1. 90
Liniments, about	2. 50
28 weeks' time, at \$14.40	403. 20
Total	448. 35

I went behind about \$300 and only paid up the last bills for groceries and provisions about 14 months ago. I could say a lot about my case but leave the case to your judgment and only ask you to do by me as you would wish if our positions were reversed.

Thanking you for giving me this attention, I remain,
Respectfully,

ARTHUR H. BAGSHAW.

LOWELL, MASS., July 22, 1921.

There personally appeared the above Arthur H. Bagshaw and made oath that the statements herein contained are true to the best of his knowledge and belief.

RAY S. BRYAN,
Justice of the Peace.

My commission expires August 19, 1921.