

# Calendar No. 1541

69TH CONGRESS }  
2d Session }

SENATE

{ REPORT  
No. 1534

## LAWRENCE F. NELSON

FEBRUARY 17 (calendar day, FEBRUARY 19), 1927.—Ordered to be printed

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

### REPORT

[To accompany H. R. 11396]

The Committee on Military Affairs, to which was referred the bill (H. R. 11396) for the relief of Lawrence F. Nelson, having considered the same, reports thereon favorably with the recommendation that it pass.

The report of the House Military Committee which explains the merits of the measure is made a part of this report, as follows:

[House Report No. 1039, Sixty-ninth Congress, first session]

This is a measure to give an honorable-discharge status to a soldier who served during the war with Spain and who is now confined in the hospital for the insane. The facts in connection with the case are set forth in the following letters, which are made a part of this report, as follows:

"I am the guardian and mother of Lawrence F. Nelson. On October 11, 1924, I filed a claim for a pension under the act of June 5, 1920, the claim number being I. O. 1264555. The claim was rejected on the ground that Lawrence F. Nelson had deserted from Troop M, Fourth United States Cavalry, on December 8, 1901, thereby not being honorably discharged from all service in the war with Spain and the Philippine insurrection.

"The War Department, Adjutant General's Office, was, on receipt of this rejection, informed that Lawrence F. Nelson originally enlisted on June 10, 1899, from Boston, Company I, and was honorably discharged March 15, 1901, for disability, at Fort Mason, Calif., his character being given as excellent, and I have this discharge in my possession. My claim is in that the disability of my son at that time was mental derangement due to gastritis, dysentery, malaria, and fever, which he contracted while in the Chinese relief expedition, and that during one of his weak spells and mental disturbances he enlisted on October 16, 1901, in Troop M, Fourth United States Cavalry, and deserted from the same less than two months after that, on December 8, 1901. No efforts were at any time made to capture my son, and his insanity took a violent turn, and after having killed a person, he was declared insane by the court and was dealt with accordingly.

"My son is now confined in the Bridgewater State Hospital and would be entitled to a monthly compensation if the record of the alleged desertion from Troop M, Fourth United States Cavalry, on December 8, 1901, was not outstanding against him.

"I have letters from various medical officials who have examined my son, stating that in their opinion he was insane at the time of that desertion, and I am confident that I can make out a strong case on that ground. This matter has previously been in the hands of my attorney, Mr. Clarence A. Barnes, who, under date of February 3, 1925, wrote you in detail concerning this claim. You replied to him on February 24, 1925, and again on March 14, 1925, stating that you would take the matter up with the clerk of the Committee on Military Affairs and ascertain whether or not a special bill could be favorably reported in Congress.

"I am a resident of Brockton, and have resided there for 42 years, and I would not trouble you with this matter but for the fact that I am confident that this is a worthy case and that my son has served his country honorably and well and has become disabled and incompetent in her service. I should deeply appreciate anything you can do for me.

"Please let me hear from you.

"MRS. LENA NELSON."

I am in receipt of your letter of March 10, 1925, with which you inclosed one, herewith returned, from Dr. Alfred Elliott, medical director at the Bridgewater State Hospital, Massachusetts, relative to Lawrence F. Nelson, a patient at the hospital, who formerly served in Company I, Ninth United States Infantry, and in Troop M, Fourth United States Cavalry, from which latter organization he is shown to have deserted December 8, 1901. Doctor Elliott states that Nelson is suffering from mental disease which in his opinion existed at the time of Nelson's last enlistment and was the cause of his desertion. In reply to your inquiry as to whether or not there is any way in which the charge of desertion can be wiped from his record other than by an act of Congress, I have the honor to inform you as follows:

The records show that Lawrence F. Nelson enlisted January 10, 1899, and was assigned to Company I, Ninth United States Infantry, from which organization he was honorably discharged March 15, 1901, on surgeon's certificate of disability, by reason of chronic malaria, in line of duty, a private with character excellent. He again enlisted October 16, 1901, and was assigned as a private to Troop M, Fourth United States Cavalry, from which organization he deserted December 8, 1901.

Nothing has been found of record to show that this soldier was suffering from mental disease at any time during either of the above enlistments, and I regret to inform you that there is no law in force under which the charge of desertion of December 8, 1901, against his record can be removed. The only law in force governing the subject of removal of charges of desertion is the act of Congress approved March 2, 1899 (25 Stat. 869) which provides only for such relief in cases of soldiers who served in the Civil War and in the war with Mexico.

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

BRIDGEWATER STATE HOSPITAL,  
Bridgewater, Mass., March 29, 1911.

MRS. LENA SMALLEY,  
No. 46 High Street, Brockton, Mass.

DEAR MADAM: Your favor of the 24th instant, in relation to the condition of your son, Lawrence F. Nelson, is at hand.

Your son is suffering from a mental disease known as "dementia praecox." It is a condition incidental to early life and often appears to have its inception in some somatic disease. Delusions of different kinds and various hallucinations are early symptoms and a more or less rapid dementia soon follows.

From what I have been able to elicit from your son, and such information as you have been able to give me, together with the advanced stage of the disease, it is my opinion that his mental trouble is of somewhat long duration, and it is also my opinion that the dementia was in progress at the time he last enlisted in the Army, and that evidently his desertion was the result of a disordered mind reacting to delusions of persecution from which he then suffered. It is my opinion this desertion ought not to count against him in the matter of obtaining a pension, providing it be true that a few months prior he received an honorable discharge on account of disability.

Very truly yours,

ALFRED ELLIOTT, Medical Director.