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Memphis Tenn

April 22. 1885

Gen John C. Black.

Commissioner of Pensions

Washington D.C.

Sir:

I have

the honor to return herewith the
papers and a report in the
claim for invalid pension No
380,524 of James G. Montgomery
late a private in Co. C. 2^d
Regt Tenn Mtd Infy whose present
P.O. address is Scotts Hill, Hender-
son Co. Tenn. Basis of claim
4 S.W. of left foot; claim was re-
ferred to me for special ex-
amination to determine whether
the 4 S.W. of left foot was received
in the service and line of duty.
I gave the claimant due notice
of the examination and served
upon him in person a copy
of the special notice herewith
returned. The claimant was
afforded ample opportunity to be
present in person or by attorney
or both during the examination
but did not avail himself of

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it except in part and expressed no desire to be represented.

Pages 10 to 15 Exhibit A. Claimant alleges that while in the service and line of duty as a scout with a few men under command of Sarge A.A. Steagald of his regiment, no commissioned officers being present, at Brown's mill yard in Perry Co Penn about twelve miles east of Clifton Penn in May or June 1864, he was shot accidentally in the left foot by a comrade named Baze Morgan and that he has been ever since disabled thereby.

Dr P.W. Austin keeps B pages 16 to 18 certifies that he has known the claimant ever since boyhood; that sometime in May 1864 he, absent, was at Clifton Penn and treated him for a gun shot wound of the left foot; did not see him but once as he, absent, was waiting to go to Paducah Ky and left night after that; says the bullet entered the top of his foot near the instep and passed down through it his foot; that it was

considerably lacinated around the entrance: States that he has seen claimant often since discharge and still resides in his family and that the wound is permanent and has disabled him he thinks about one half: does not know of his own knowledge when or how he received it only what the claimant said i.e. that he got it on a scout. Rept standing good, no bias. Com. James Greenway Deps D pages 21 to 23 testifies that the claimant was in the same company with him; thinks he remembers that claimant was wounded; thinks it was at the house of a woman named Brown; that was the talk; can't remember who said so; thinks the time was the Spring of 1864.

Reputation and standing fair. Recollection very defective, no bias apparent.

Com. Jefferson P. Barnett Deps E pages 24 to 25 testifies that he was in the same company and regiment but has no recollection whatever about the matter. Rept standing good no bias.

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J. A. White keeps a page, 26 to 28 testifies that in the Spring of 1864 a soldier in a small squad of men under command of Sergeant Magrath, whom appellant knew, was shot in his mill yard at Buffalo River, Perry Co Tenn; appellant states that his partner's name was Brown and the mill was known as Brown and White's mill; that as well as he recollects the men were dismounted and were going to remount; that their guns were pointing downwards; that one of the guns went off and shot a man "plum" through the foot; that a Dr Carter of Flatwood near Wayne Co Tenn was sent for and came and ran a self hand-kerchief through the man's foot; that he was standing close by when the man was shot; that Dr Carter has been dead about 18 years, and the Brown his partner in the mill is also dead, that only one man was shot in the boat in his mill yard; that his mill was twelve or fifteen miles east of Clifton near

the edge of Wayne county; thinks
 the claimant is the man; that he
 resembles him in figure and
 size as well as he can recollect.
 Is sure only one man was shot
 with Steagald through the foot at
 that time; does not remember
 the name of the man who shot;
 thinks it was accidental as the
 men appeared to be friends.
 Reputation and standing excellent.
 no bias.

It may not be improper for me
 to state in connection with this
 case, that I have made diligent
 inquiry in and around Scott,
 Hill Town concerning the alleged
 "shooting of this man at a
 house of ill fame kept by one
 Jennie Brown near Scott, Hill."
 (See report of Special Examiner
 Fisher attached to reference slip.)
 I could not find a man who
 knew or claimed to know a
 single fact concerning it. I saw
 Mr H. L. Woodard, see his letter, and
 he knew nothing. A man named
 Bert Creamy met the Commissioner
 of Pension about the case and

the month later denied what he
 had written in the truth. I am
 advised that he is not worthy of
 belief and judging from his letter
 I am entirely of that opinion.
 I saw Supt J. W. Magan near of
 Keokukville Iowa (see his letter)
 and he knew nothing except
 that about the time this
 claimant applied for a permit
 the story that he was shot at
 the home of Jennie Brown started,
 which house was at least twenty
 five miles from Brown & White's
 mill yard in Perry Co. It is
 a fact that the claimant killed
 a good citizen named Haraway
 and thereby incurred the enmity
 of very many people in his
 neighborhood, but in my opinion
 he received the wound in his
 left foot when he says he
 did, in Brown & White's mill yard
 in Perry Co Iowa. Mr White had
 never seen claimant since he
 was shot until the night before
 I took his deposition and as
 the evidence shows is reliable
 to state that the claimant re-

resembles a man who was shot in
 the foot in his mill yard
 in the Spring of 1864. I read
 the testimony taken to the claimant
 as he requested and he expressed
 himself as being unable to
 furnish any more testimony as
 to the place where or time when
 or under what circumstances he
 was shot. Except the testimony of
 A. A. Magald now of Henrietta May
 Co Texas. I am of the opinion that
 the claimant was shot where and
 when he says he was and rec-
 ommend that the claim be further
 examined at Henrietta May Co Texas
 for the testimony of Sergt A. A. Magald,
 and that he be carefully examined to
 determine whether or not claimant
 was shot while engaged in a scuffle
 or otherwise; also that the deposition
 of Asst Surg L. D. Hogle of Marksville
 be taken as to treatment in service.
 If this claim is admitted the claimant
 should be ordered before a board of
 Surgeons to determine the degree of
 disability in case there is any doubt on
 that point.

Wm. R. R. R.
 F. W. G. G.
 Special Examiner

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Approved.

The summary is a true
reflex of the testimony embodied in this
report.

~~W. M.~~
W. M. Edmunds
Sup. Examiner,
Knoxville Dist.

Apr 28. 85.