

Invalid Pension Claim No. 390,650, of  
James W. Pinckney, Priv. Co. B. 19th. Reg't. U.S.C.T.

Baltimore City April 14th. '86

Hon. L. Q. C. Lamar, Sec. Int. Dept.

Dear Sir:

In the above noted case an adverse decision having been rendered by the Pension Commissioner-- hence this appeal to you.

The ground (as alleged) upon which it was rejected, is regarded as erroneous; and the proof and facts will show it.

For the ground of rejection, see "Exhibit A." from the Commissioner herewith enclosed.

The fact of the claimant being sent to the hospital three weeks after enlistment, proves nothing. The seeds of the disease may have been in his system at the time of enlistment, but that is entirely at variance with the character or pathology of Typhoid fever (which is admitted he had), See "Exhibit B." the doctor's testimony, herewith inclosed.

The Commissioner presumes a diseased condition previously existed. It is a grave error to presume wrong against any one. Fraud must be proved. But the U. S. Board of Examining Surgeons said he was sound, and able bodied, capable of the duties of a soldier at the time they passed him into the service. They were sworn officers of the Government, and the Government cannot by any known and sound principle of law, go behind its own record.

Therefore, the man must be presumed to have been sound at the time of enlistment.

What are the facts in the case, as to the exciting cause? ---  
See "Exhibit C." Pinckney's sworn statement. He, with 374 selected men, were sent in command of Col. Perkins into West Virginia on re-

SC 4126-51-55