

3-2-1857

Report : Petition of G. Vandiver

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IN THE SENATE OF THE UNITED STATES.

MARCH 2, 1857.—Submitted and ordered to be printed.

Mr. JONES, of Iowa, made the following

REPORT.

The Committee on Pensions, to whom was referred the petition of George V. Vandiver, asking Congress to grant him a pension as an invalid, beg leave to report :

That petitioner claims a pension for disability alleged to have been incurred in the military service of the United States ; that he enlisted in Captain King's company, on or about the first day of May, 1838, to remove the Cherokee Indians from Georgia to Arkansas ; was in said service two months, during which time he was injured by cold from the measles, taken in the service, which rendered him unable for military duty, has terminated in what his physicians call pulmonary consumption, and has incapacitated him from manual labor. James Merritt, who was a first lieutenant in said King's company, certifies "that the applicant served from the first day of May, 1838, to July in the same year, in removing the Cherokee Indians from Georgia to Arkansas, in Captain King's company ; and while employed in said service, and in the line of his duty, between those dates, he was injured by cold from measles taken in the service, from which he has become very unhealthy and consumptive in the lungs which rendered him unable to perform military duty or manual labor, and that he was a sound and healthy man before he went into the service, and was honorably discharged on or about the 1st July, 1838." Two physicians certify to his present disability, stating it to be confirmed pulmonary consumption, and that he is two-thirds disabled. On the 13th May, 1853, said Merritt made a second affidavit, in which he corroborates the testimony of five other witnesses as to the fact that petitioner was a sound and healthy man when he entered the service, and that his present indisposition, in their opinion, is the result of his sickness in the army. The muster-rolls of the company to which applicant belonged show that he was mustered into the service on the 22d day of May, 1838, and mustered out 26th June, 1838. He is reported present for duty during that time, but furnishes no evidence that he was sick while in the service. Thus, it will be seen that the rolls do not corroborate either the application of the petitioner or the testimony of his witnesses. The rolls not only report him present but present for duty.

The record evidence on the rolls was made at the time, and during the service rendered by applicant, and by officers under oath. After a lapse of sixteen years, subordinates of said company appear as witnesses to destroy the credibility of the official records of said company. It appears the witnesses were unable to name the date of enlistment and discharge of applicant correctly; they have also failed to detail the time or place where the alleged sickness occurred, applicant does not attempt to show the mode of life and employment of claimant since he left the service. The testimony offered in support of the application is deemed altogether insufficient to show that the alleged disability of the claimant is to be ascribed solely to the cold he is said to have taken while in the service.

After a careful examination of the testimony in this case, your committee recommend the adoption of the following resolution:

Resolved, That the prayer of petitioner be rejected.