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Report : Petition of B. Theban

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IN THE SENATE OF THE UNITED STATES.

MAY 1, 1888.—Ordered to be printed.

Mr. TURPIE, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 2629.]

The Committee on Pensions, to whom was referred the bill (S. 2629) granting a pension to Bartola Thebaut, have examined the same and report:

The claimant was a private in Capt. Thomas Ledwith's company of the Florida militia in the war with the Seminole Indians of that State in 1849-'50. The company mentioned was called out by and was in the service of the State; was not mustered into the service of the United States; was paid by the State in the first instance, but this expenditure was subsequently re-imbursed by the General Government.

The claim for pension is founded upon injury to the testicles, which was suffered by the kick of a horse while the soldier was on duty as a mounted scout against the Indians, at or near Spring Garden, in the State of Florida, in the year 1849.

The loyalty of the claimant is fully shown, he having served, but not as a soldier, in the quartermaster's department of the United States forces in Florida, during the late war, from 1863 to 1865, upon light duty. The claim has been rejected by the Pension Bureau upon the ground that the evidence does not show that the injury was received in the service of the United States or that the disability is continuous.

Your committee think payment by the United States to the State of the money disbursed in payment of the company to which the soldier belonged is a sufficient recognition of the Federal character of the service and an acknowledgment of its efficiency.

As to the other objections made it is clear to us upon the proof that the injury was incurred in the line of duty, was a very severe one, and that the same has never been cured.

The medical and lay witnesses both concur in the statement that the claimant is now suffering from said disability. It is spoken of as "now in existence," as "permanent," as one, owing to the nature of the parts, impossible to be treated surgically "without danger to life;" as a "rupture," yet being in the scrotum as disabling the claimant from any kind of manual labor except the lightest.

The claimant is now nearly sixty years old, not in good circumstances, needing assistance to gain a livelihood.

The committee therefore recommend the passage of the bill.