

8-15-1888

## Report : Petition of D. Myers

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## IN THE SENATE OF THE UNITED STATES.

AUGUST 15, 1888.—Ordered to be printed.

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

**REPORT:**

[To accompany bill S. 3342.]

*The Committee on Pensions, to whom was referred the bill (S. 3342) granting a pension to David Myers, have examined the same, and report :*

The said claimant was a private in Captain Whitmore's company of Colonel Goodwin's regiment of mounted volunteers, in the war against the Seminole Indians in Florida in 1836. He volunteered at Orangeburgh Court-House, S. C., in February, 1836, and served three months, until May, 1836, when he was honorably discharged, paid, and furnished transportation to his home from Tampa Bay, Fla.

At the time of his discharge he was suffering from piles, which he states were contracted in the service, he being a sound man before the service in every respect. He says that the physician who treated him at the close of his service attributed the disease to the fact of his being obliged to ride in the line of his duty in the service continually on horseback with the weight of his army equipments around his body. The disease so contracted refused to yield to treatment, because chronic, and he has been a constant and severe sufferer from it ever since his discharge from the service. For all the time since he has been greatly incapacitated for manual labor by reason of such disease, and for the last twelve years he has been wholly unable to perform manual labor of any kind.

His present condition, suffering, and disability is well proven by the testimony of his physician and his neighbors and acquaintances, which shows him to be thus afflicted, and to have been so for the last thirty years. Some of the witnesses recur to a time as remote as thirty-five years in their testimony to this effect. The loyalty of the applicant to the Government of the United States during the late civil war is attested by the evidence of his friends and neighbors satisfactorily.

The only obstacle in the way of granting this relief, as upon full proof, is that there is no testimony in the records of the Department or otherwise of his treatment or disability or incurrence of the disease during the time of his service, except his own statements, under oath, in his application and additional memorial on file in the Pension Bureau.

It has been the rule of this committee, as of the Pension Bureau, to require some corroboration of a claimant's statements in such cases; but the claimant swears that his officers and comrades and the only army surgeon who treated him are all dead, and that he can not make or furnish any such proof. We are reluctant to depart from the rule, but the records of the War Department show actual service in a cam-

paign, which we know to have been one of great danger, hardship, and privation, against the Indians in the glades and swamps of Florida.

The soldier is now seventy-eight years old, very poor, and wholly disabled for any kind of labor.

His character for truth, loyalty, and honesty is in no manner questioned. Under the binding force, as we conceive it, of these circumstances in the history of the case and character of the claimant, we are inclined to believe what is stated by him concerning the origin of his disease and disability. We conclude that they were incurred in the military service of the United States, and we therefore recommend the passage of the bill.

