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[Talbot A. Routon]

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IN THE SENATE OF THE UNITED STATES.

MARCH 24, 1896.—Ordered to be printed.

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

REPORT:

[To accompany S. 1508.]

The Committee on Pensions, to whom was referred the bill (S. 1508) granting a pension to Talbot A. Routon, have examined the same and report:

Said Talbot A. Routon asks Congress to grant him a pension for service rendered the Government in the Creek Indian war in 1836 in the State of Alabama. He claims that he was regularly mustered into the service in Capt. William House's company of Major Webb's battalion of Mounted Infantry; that he served three months, and was stationed at Fort Henderson in the State above mentioned; that he served as a substitute for a man whose name he can not recall at this distant day, being now in the eightieth year of his age; that his memory is naturally defective; that he was mustered out at the expiration of his three months' service and was given a document of some kind, which he has long since lost, and can not remember its contents, but thinks it was a certificate of discharge.

Said Routon states in his application for pension under the act of Congress pensioning the survivors of the Creek and Seminole wars, dated September 20, 1892, and numbered 2580, that he "was a private in the company commanded by Capt. William H. House, in the battalion commanded by Major Webb in the Creek Indian war; that he enlisted at Fort Henderson, Ala., on or about the — day of June, 1836, for the term of three months, and was honorably discharged at Lafayette, Ala., on the — day of September, 1836."

William Plant, under date of May 9, 1893, testifies that—

I am well acquainted with the applicant, Talbot A. Routon, and know that he was a soldier in the war with the Creek Indians. He and I were both members of a company commanded by Captain House, of Fort Henderson, and we both served more than thirty days in said war.

The applicant, Talbot A. Routon, was a substitute for one James Witler, and served fully thirty days. Said Routon was then about 19 or 20 years of age.

Mrs. A. J. Sherwood and Talbot A. Routon, under date of May 25, 1893, testify:

We have been well and personally acquainted with Talbot A. Routon for seventy-one and seventy-six years, respectively, and I, Angelina J. Sherwood, have known the applicant, Talbot A. Routon, since I have been able to know anyone, and I know that he was always said to be four or five years older than myself. I know also that he is in very poor health and totally unable to earn a living. I know that he has no income. I am not interested in the prosecution of this case.

I, Talbot A. Routon, know from a family record which I had and lost in the high water (overflow) in 1850, that I am now 76 years old. I am in very poor and feeble health and unable to earn a living. I have no income whatever. I am the applicant in this case.

Angelina J. Sherwood, under date of May 11, 1893, testifies as follows:

I am 71 years of age, and I have been well and personally acquainted with Talbot A. Routon for seventy-one years, and I was living near Fort Henderson, in Alabama, during the Creek Indian war, and know that Talbot A. Routon, the applicant in this case, was a soldier in said war, and that he served thirty days as such, and was honorably discharged. He belonged to a company commanded by Capt. William H. House.

Dr. S. C. Thompson, under date of May 25, 1893, testifies:

That he is a practicing physician, and that he had been acquainted with said soldier about thirty-two years, and that he believes from his acquaintance and from his general appearance that he is over 75 years old. Affiant knows that said Routon is in destitute condition and has no income, and that he is in very poor health and too feeble to do any work, and is unable to do anything toward earning a living. Affiant also says he has been attending physician for said Talbot A. Routon since 1867, and that his general health has been good up to about ten years since, at which time he had an attack of palsy from which he has never recovered, and at this date he is almost unable to feed himself on account of nervousness from the palsy.

L. M. Davis, clerk of the district court, under the seal of his office, certifies that affiant, Dr. S. C. Thompson, is a practicing physician in good professional standing.

It appears that the evidence as above stated is all the evidence that said Routon has or can get as to his service; that he has no written or printed evidence as to the facts, and that he has long since lost his certificate of discharge.

The Commissioner of Pensions rejected said Routon's pension claim on February 2, 1893, upon the ground that there was no record of his service as alleged by him.

Said Routon then forwarded affidavits of one of the members of his company and of his sister, as above stated, who testify that he did perform the service as set forth in his application. To this the Commissioner replied that parole evidence could not be received to prove service. Said Routon then addressed a letter to the Record and Pension Office requesting a search for his name, giving full explanation. The reply was that his name was not there, does not appear in the company in which he served, and under the decision of the Secretary of the Interior parole testimony is not admissible.

The evidence shows that said Routon is now very old and very feeble in health, and destitute of any means of support, save from others.

The following letter shows that said Routon did not apply for a land warrant until 1884:

DEPARTMENT OF THE INTERIOR, BUREAU OF PENSIONS,
Washington, D. C., March 12, 1896.

SIR: In reply to your letter of the 11th instant, relative to the issue of bounty land warrant to Talbot A. Routon, I have the honor to state that no bounty land warrant has issued in his name for service in any of the Indian wars from 1832 to 1842.

Under dates of February 3, 1887, and April 17, 1894, the alleged soldier, Talbot A. Routon, made application for bounty land under act of March 3, 1855, in which he claimed service in Captain House's company, Alabama Volunteers, as a substitute for one James Witler, and enlistment at Fort Macon, Ala., in May, 1836, and discharged at Lafayette, Ala., August 31, 1836.

The records of the War Department fail to show service of any soldier named Talbot A. Routon or James Witler in Capt. William H. House's Company, Alabama Volunteers, 1836, and the claim was rejected December 17, 1895, on the ground of no record or other satisfactory evidence of service as alleged, which is substantially the same ground upon which his claim for Indian war pension, No. 2580, filed September 28, 1892, under act of July 27, 1892, was rejected January 16, 1893.

Very respectfully,

WM. LOCHREN, *Commissioner.*

Hon. J. H. GALLINGER,

Chairman Committee on Pensions, United States Senate.

Your committee are not prepared to recommend the passage of the bill.