

IN SENATE OF THE UNITED STATES.

JANUARY 27, 1845.

Submitted, and ordered to be printed.

Mr. JARNAGIN made the following

REPORT:

The Committee on Revolutionary Claims, to whom has been referred the petition of Sally Boss, daughter of Doctor Charles Pasteur, with the accompanying papers of evidence, praying payment for the services of her father as a surgeon in the revolutionary war, and for medical stores destroyed, have given the same an attentive examination, and agreed upon the following report:

The petition states that Doctor Charles Pasteur was in his day an eminent physician in Halifax county, in the State of North Carolina, and at the commencement of the revolutionary war, was engaged in an extensive and lucrative practice; "patriotically surrendered that practice and its emoluments, and his enjoyments at home, and family and friends, and entered the North Carolina line of the continental army; thenceforward, to the close of said war, followed the fortunes of the armies of his country, and shared in their privations and sufferings, for the space of seven years and upwards." The petition further states, that Doctor Pasteur, in his lifetime, refused to receive any compensation for his services. That at Camden, in South Carolina, either was lost or destroyed his medical chest, containing medicines by himself furnished, out of his own private funds, for the benefit of the army, to the amount of \$397 40. For this amount, Doctor Pasteur presented a claim against the State of North Carolina in 1785; but it was rejected, on account of the failure of proof of the alleged loss. The petition further states, that petitioner is the only child and heir of her father, Doctor Pasteur; that her father and mother are both dead, but does not give us the date of the decease of either. She prays that the said sum of \$397 40 be paid to her, and that she be allowed the commutation pay due her father.

The committee referred this case to the Third Auditor of the Treasury, from whom they learn that the name of Doctor Charles Pasteur does not appear upon any pay or muster roll of the revolutionary army. That the continental line of North Carolina had the proper number of surgeons, but that Doctor Pasteur was not one of them. There was one thing which struck the committee as a little inconsistent—that Doctor Pasteur should have claimed pay for his medical chest, and yet refuse compensation for seven years' service rendered to, what petitioner calls, his impoverished country. The deposition of Sally Shine states that in her early woman-

hood she was acquainted with Doctor Charles Pasteur, of Halifax, in North Carolina, and that in the year 1781 he attended, as physician and surgeon, the sick and wounded soldiers at the military hospital in Halifax, and that he attended on her in the same year. The deposition of J. J. Alston states, that he enlisted in Halifax county, State of North Carolina, but does not say when, nor for how long. That, when he joined the army of North Carolina, he found Doctor Charles Pasteur in the army, attending to the sick and wounded, but he does not state when or where he joined the army. He further states, that when he left the army, in the latter part of the year 1783, he left Doctor Pasteur in the army. The deposition of Joseph Brown states, he was well acquainted with Doctor Pasteur in the revolutionary war, that he was with him in Halifax, and took medicine from him at different times for twelve months. Witness was then marched off, and left the Doctor in the army. That he well recollects that Doctor Pasteur administered medicine to a large number of soldiers at different places in North Carolina and Virginia.

The deposition of William Woods states, that he enlisted in Williamsburg, in the State of Virginia, under Captain Singleton, in the early part of 1780; and as soon as he joined the army of North Carolina, he found Doctor Pasteur in the army, acting as surgeon, dressed in regimentals. That they marched to South Carolina. Witness was in the battle at Gates's defeat, and there received a ball in his right arm, which was cut out by Doctor Pasteur. That in the year 1781 he was in the battle of Guilford; and Doctor Pasteur was also there, attending to the sick and wounded. From there, witness was marched to Fayetteville, North Carolina, thence to South Carolina, and saw Doctor Pasteur no more, but thinks the Doctor went to Hillsborough to attend the hospital.

The deposition of William Cullums states, that at the commencement of the revolutionary war he resided in Halifax, in North Carolina, and has done so ever since. That he stood three draughts in that county during the war, and the last draught he was draughted to go as a soldier, but was discharged by a court martial as too feeble to bear arms, though of sufficient age. That he was employed much of the time, during the war, in carrying fresh meat for sale to the town of Halifax, twice a week. That he was personally acquainted with Doctor Pasteur and his family. That the Doctor was an eminent physician and surgeon. That, soon after the war commenced, the town of Halifax became important, as the point where troops were imbodyed for the army, and the great thoroughfare of armies bound north or south. He distinctly recollects Doctor Pasteur was closely engaged in professionally attending the sick and wounded soldiers left or sent to Halifax for his treatment and care as army surgeon, and it was understood that he continued for about four years so employed, before he left for the army in the South, about the winter or spring of 1780. That he returned to his post in Halifax soon after Cornwallis and his army passed through said town, in 1781, and continued ever after to the end of the war, and for some time after its close, and until all the sick and disabled soldiers left for their homes, to professionally attend to the sick and disabled soldiers, and the sick prisoners captured from the enemy.

William Hill, Secretary of State of North Carolina, certifies, that he has carefully searched the documents in his office for payments made to Doctor Charles Pasteur, for services rendered as a surgeon to the army in North Carolina, and does not find that he or his heirs or representatives ever re-

ceived any thing for such services. The Comptroller of the Treasury of North Carolina certifies to the same thing. It is stated in the petition, and by one of the witnesses, that, after the close of the revolutionary war, Doctor Pasteur refused to receive any compensation for his services as surgeon during the war. The committee think, if the Doctor chose to make a present of his services to his country, that, after his death, it is not to be permitted to his heir to make such services the foundation of a claim against the Government. If the Doctor were a surgeon in any of the continental regiments of the United States, it is strange his name does not appear upon any roll of the army; yet the fact is, it does not appear. That he practised as physician and surgeon among the troops may be true, without being attached to the army; but the testimony of the witnesses produced tends to establish the fact that he did belong as surgeon to the continental army. The committee incline to the opinion, that, from lapse of time, the witnesses have no distinct recollection of his true character and position in the army. Their testimony is not very distinct, and the absence of record evidence destroys its force. No reason is assigned for the great and unreasonable delay in presenting this claim. Here we have proof of the correctness of the opinion of General Hamilton, as Secretary of the Treasury, in 1792, in which he said: "It is advisable carefully to forbear a special interposition of the Legislature in favor of such claims as the lapse of time has added to the difficulty of investigating satisfactorily, claims which generally rest on evidence merely oral." The committee will repeat what they have said before in another case, that "the time has arrived when there is a legitimate presumption against the existence of valid claims against the United States, as incidents or arising out of the revolutionary war, particularly all such as rest upon evidence merely oral." After a patient examination of this case, the committee have arrived at the conclusion that petitioner is not entitled to the relief she prays, and have agreed upon and recommend the adoption of the following resolution:

Resolved, That the prayer of petitioner ought not to be granted.

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