

JOSEPHINE NOURSE.

[To accompany bill H. R. No. 327.]

APRIL 10, 1844.

Mr. IRVIN, from the Committee on Military Affairs, made the following

REPORT:

The Committee on Military Affairs, to whom was referred the petition of Josephine Nourse, widow of Benjamin Franklin Nourse, late an assistant surgeon in the army of the United States, beg leave to report:

The petitioner states that her late husband, Benjamin F. Nourse, was appointed an assistant surgeon in the army of the United States, and stationed at Key West; while he was doing duty at that post, the war with the Seminole Indians broke out. It appears from the letter of Colonel William Lindsey, of the 2d artillery, which accompanies this report, (marked A,) that Dr. Nourse marched with the centre column of the army of Florida, during the campaign of 1836, in the capacity of senior medical officer and medical director; and that the march of that part of the army was a continued bivouac, from the 10th of March until the 25th day of May, under a pestilential climate, and through an impassable country, and without any of those provisions from the quartermaster's department which are so essential to the health of a body of troops in the field. The duties of Dr. Nourse, under these circumstances, were arduous and incessant; and his attention to the sick and wounded, faithful and unwearied.

It is stated in a letter to Michael Nourse, written by Dr. Reynolds, (marked B,) that it was a fact within his own personal knowledge, that the death of Dr. Nourse was occasioned by his untiring exertions and great exposure in active field service. It is also stated in a note written by General Scott to the father of the petitioner, that he "personally knew Dr. Nourse to have been ardent and indefatigable in his attendance upon the hospitals, as well as sick soldiers in tents, after his own health had been much impaired by the swamps and heats of Florida," and Gen. Scott is confident that Dr. N. "sacrificed his life in his excessive zeal to save the lives of others." (Paper marked D.)

Your committee are of opinion that the statements made in the memorial of the petitioner, corroborated and sustained as they are by the letters of Colonel Lindsey, Dr. Reynolds, and General Scott, are substantially correct; and that they, taken together, do bring this case within the spirit, if not within the letter, of the law granting half-pay pensions to the widows and orphans of those officers of the army of the United States who died of wounds received in battle, or in the performance of their duty. Under all the circumstances, your committee are of opinion that it is one of those cases which merits the favorable interposition of Congress in behalf of str-

fering humanity, in the person of this widow and her helpless orphans; and as there has been provision made in a similar case, in favor of Mrs. Heileman, the widow of the late Colonel Heileman, who died of fever in the same campaign, your committee have therefore reported a bill for her relief.

To the honorable the House of Representatives of the United States :

The petition of Josephine Nourse, widow of Benjamin Franklin Nourse, late an assistant surgeon in the army of the United States, serving in Florida,

RESPECTFULLY SHOWETH :

That her late husband, Benjamin F. Nourse, was appointed an assistant surgeon in the army of the United States, and stationed at Key West. While he was doing duty at that post, the war with the Seminole Indians broke out, and Dr. Nourse immediately volunteered to accompany the late lamented Dade into Florida; and he would have accompanied the expedition of that unfortunate officer, and no doubt have fallen with him and his brave companions, but for the incident that no horse could be spared for his use. He was subsequently detailed to march with the central column of the army in the campaign of 1836, in capacity of senior medical officer and medical director. With what fidelity, diligence, and devoted zeal he discharged the arduous duties of that responsible station, will appear from the documents herewith submitted. The march of the army was little else than a protracted *bivouac*, from its outset from Tampa on the 10th of March, till the 25th of May following, conducted in a pestilential atmosphere, under a Florida sun, through a region consisting of little else than a succession of deep morasses, and stagnant and pestilential waters; and this, without such medical or other provision as is essential to the health of troops in the field. The task assigned to the medical director, under such circumstances, was of the most arduous description. His exertions were incessant, his care and anxiety most oppressive, his attentions to the sick and wounded faithful, devoted, unwearied. Their testimony to this, and the voice of their gratitude in consequence, may be found in the documents submitted with this memorial. While thus engaged, he contracted the seeds of that fatal disease of which he died at Key West on the 19th of May, 1836; and the "ruling passion, strong in death," induced him to rise from his sick bed to attend on a soldier of the garrison, which occasioned a relapse, and hurried him to a premature grave.

By the death of her husband, your petitioner, with her young and orphaned children, has been thrown on the compassion of others for the means of present subsistence and the hope of future support; and, under these circumstances of destitution and distress, resulting from the faithful devotion of her husband to his duty, she lifts her eyes to that country in whose service he fell in the prime of his days, and in the midst of a career of usefulness and the most arduous devotion to the cause of humanity.

Congress has made ample provision for the widows of officers and soldiers of the militia and volunteers who have died, from any cause, while employed in the service of the United States, by granting them half-pay during five years. The same principle has been extended to the widows of commissioned officers who have died from wounds received while in actual service. Had my poor husband belonged to the first class, his widow would have received his half-pay, without any special application to

Congress. Yet my husband was, in principle and in all equity, a volunteer; for he offered to accompany Dade before his commission had arrived from the War Department. It did arrive soon after, and he died in the regular service of the United States; and though free from the rifle-ball or the savage tomahawk, he did receive a wound—a fatal, deadly wound—from the pestilential climate which he braved. And what difference is there, in principle, and in his claims, upon his country's gratitude? And what difference does it make to me—alas! his helpless widow—or to my fatherless children, whether he fell by the blows of the guileful Seminole, or the no less insidious attack of an unseen and irresistible foe? His death was in consequence of his service in the field; and faithful service in the field is all that can entitle any man to have his widow pensioned. Moreover, the principle has been *solemnly recognised by Congress*, and acted upon in the case of Mrs. Ann Heileman; a copy of the bill for whose relief accompanies this petition.

JOSEPHINE NOURSE.

WASHINGTON, December 12, 1843.

A.

HEADQUARTERS, ARMY CHEROKEE NATION,

October 8, 1837.

SIR: Your letter, dated Washington city, 13th September, 1837, is received. Your son, Doctor B. F. Nourse, marched with the centre column of the army of Florida during the campaign of 1836, in the capacity of senior medical officer and medical director; and I cannot better characterize the march of that part of the army than by saying it was a continued bivouac, from the 10th of March until the 25th of May, under a pestilential climate, and through an impassable country, and without any of those provisions from the quartermaster department which are so essential to the health of a body of troops in the field. The duties of Doctor Nourse, under such circumstances, were arduous and incessant, and his attentions to the sick and wounded faithful and unwearied. It was my lot, as well as that of some four or five hundred others, to have been stricken with disease, (from which I am not even yet recovered,) to have experienced those ministrations of his medical skill and his humanity, which are remembered now with a grateful feeling. He was young and of a robust frame, and the most temperate habits; and these advantages seemed for some time—in fact, during the whole period of the march—to sustain him under trials which were fatal to others. This security, however, appears, in his case, as in that of many others, to have been delusive; for although I was not with him at the time of his death, I feel satisfied, from the representations of Doctor Reynolds, that he contracted the disease which destroyed him whilst on the campaign. Captain Green, United States army, who served with him, and is the bearer of this, will also bear testimony to his merits as a professional character and a soldier.

I am, very respectfully, your obedient servant,

WM. LINDSAY,
Colonel 2d Artillery.

MR. M. NOURSE.

B.

WASHINGTON CITY, August 11, 1837.

DEAR SIR: The approaching session of Congress recalls to my mind a subject to which I have frequently directed my thoughts, and to which I respectfully ask your attention. I allude to the propriety of an application to Congress on behalf of the family of your lamented son, Doctor Benjamin F. Nourse, who perished in Florida while arduously engaged in the service of his country. It is a fact, sir, within my personal knowledge, that his death was occasioned by his untiring exertions and great exposure in active field service. I parted with him at Tampa Bay, Florida, in the spring of 1836, when he left that post with troops bound to Key West; and when he left us, he was laboring under the symptoms of that fatal fever which deprived his country of a faithful officer, and his friends of a noble companion. He had just returned from active service in the field, where he had devoted himself, night and day, to relieve the sufferings of his fellow-soldiers. His death, then, being occasioned by his devotion to his country, what stronger claims than those of his immediate family can be presented to a just, a generous Congress? I hope, then, that you will have this subject brought to the attention of Congress, and that you will meet with that success which the application so richly deserves, and the justice of our country certainly requires.

Very respectfully, your most obedient servant,

JOHN C. REYNOLDS.

MICHAEL NOURSE, Esq.

C.

At a meeting of the citizens of Key West, held on the 20th of May, 1836, the following resolutions were unanimously adopted:

Resolved, That we deeply sympathize with the relations and friends of Dr. Benjamin F. Nourse, late of the United States army, as well as with society at large, in the afflicting dispensation of Divine Providence which has removed him from life in the midst of his usefulness.

Resolved, That the amenity of his manners, the purity of his life, and his active usefulness, have justly entitled the memory of the deceased to our affectionate regards.

Resolved, That, as a token of respect, we will this day attend the funeral obsequies of Doctor Nourse, and wear crape on the left arm for thirty days.

Resolved, That the president of this meeting convey to his friends the deep sympathies they feel in their bereavement, in such terms as he shall judge proper.

WILLIAM MARVIN,
President.

JOHN BALDWIN,
Secretary.

The foregoing papers, A, B, and C, are true copies of documents filed with the memorial of Josephine Nourse, presented to the House of Representatives of the United States on the 18th of December, 1837.

S. BURCH, *Chief Clerk.*

June 22, 1838.

D.

OFFICE, *March 26, 1844.*

DEAR SIR: In reference to the petition of Mrs. Josephine Nourse, widow of the late assistant surgeon of the army, Dr. B. F. Nourse, which petition is now before a committee of the House of Representatives, I can say that I have not the least doubt of the truth of every fact therein set forth, and I *personally know* many of them to be truly stated. I personally knew Dr. Nourse to have been ardent and indefatigable in his attendance upon the hospitals and other sick soldiers in tents, after his own health had been much impaired by the swamps and heats of Florida; and I am confident that he sacrificed his life in his excessive zeal to save the lives of others.

With esteem, I remain yours truly,

WINFIELD SCOTT.

ARTHUR J. STANSBURY, Esq.