

LAND TO SOLDIERS—OLD FOURTH REGIMENT.

[To accompany bill H. R. No. 245.]

MARCH 5, 1840.

Mr. CALHOUN, from the Select Committee appointed on the subject, made the following

REPORT :

The Select Committee, to whom was referred the resolution proposing a further provision for the surviving soldiers of the old fourth regiment of United States infantry, have examined the subject, and concur in the accompanying report made by a select committee of the 25th Congress.

APRIL 17, 1838.

The Select Committee, to whom was referred the resolution of December 18, to inquire into the expediency of making further provision for the surviving soldiers of the "old fourth regiment of United States infantry," have had the same under consideration, and report :

The old fourth regiment was recruited in 1808, '9, '10, and '11, when no bounty in land was allowed by law. Those, therefore, who were so recruited, whatever services they may have rendered the country during the war with Great Britain, were not entitled to receive, and did not receive, the same compensation with those who were recruited after the war commenced. Very many soldiers of the old fourth regiment fought and suffered severely during the war, and rendered service altogether transcending the services of a large proportion of the late recruits; and yet, under existing laws, the latter happening to enlist, for however short a period, after the commencement of the war, invariably received a bounty in land; whilst the former could obtain nothing beyond the ordinary pay of a peace establishment. This inequality is calculated to reflect discredit upon the Government and country, at the same time that it has worked essential injustice to those who have served the country faithfully, and thereby placed the Government under obligations to them. This inequality ought no longer to exist. And the committee feel no hesitancy in reporting a bill granting a bounty in land to such survivors of the old fourth as served during any part of the war with Great Britain, and to the legal representatives of those of the same class who are deceased.

The services, sufferings, and claims of this old and well-tryed regiment are very fully set forth in the papers appended to this report.

The letters of General Harrison and General Miller, who had this regiment under their command, place the obligation of the Government in a

striking light; and the narrative of Marshall S. Durkee, one of the survivors, whose excellent character is abundantly attested, is deeply interesting, and well calculated to awaken a proper sympathy for the patriotic and suffering soldier.

These papers are so full, and bear so strongly upon the particular point presented in the resolution, as to render it unnecessary for the committee to go into any further details. They therefore simply refer to them, and make them a part of this report.

NORTH BEND, December 29, 1837.

SIR: I have the honor to acknowledge the receipt of your letter of the 18th instant.

I do not recollect Mr. Durkee, but there can be no doubt that he was one of that gallant corps (4th infantry) which served under my command on the Wabash in the year 1811, and which so greatly distinguished itself in the battle of Tippecanoe. Judging from the course hitherto pursued by Congress, I think there is no probability that any relief could be obtained for Mr. Durkee, unless it should be by a bill that would embrace all the soldiers who have similar claims; nor do I think that there is any chance of getting the pension laws extended to those who were engaged in the last war with Great Britain. But there is one mode of relief for our friend Durkee, and those similarly situated, which Congress ought not to refuse, and which there is, therefore, *some probability* of their granting: I refer to a grant of land. As the laws upon this subject now stand, the most deserving soldiers—those who served through the whole war—get none; whilst many were rewarded with 300 acres who served only for a few months—indeed, in some instances, no doubt, but for a single month. This inequality arises in consequence of the law authorizing a bounty in land having been passed after the commencement of the war, and confining its provisions to those who should thereafter enlist for a specific term of years or during the war. It thus has happened that a soldier (perhaps Durkee himself) may have served in the battle of Tippecanoe before the war with England, and in all those of the northern and northwestern frontier, and be discharged at the conclusion of peace without an acre of land; whilst the recruit of a month's standing, who had seen no active service, who had not even left the recruiting rendezvous, would obtain with his discharge a warrant for 300 acres.

I have the honor to be, with great respect, sir, your humble servant,
W. H. HARRISON.

Hon. W. B. CALHOUN, M. C.
Washington, D. C.

P. S. The conduct of the 4th regiment during the campaign of 1811, and particularly in the battle of Tippecanoe, will be found set forth at large in McAfee's "History of the War in the Western Country," taken from my official despatch; and in a work by Dawson, of Cincinnati, 1824.

SALEM, *January 2, 1838.*

SIR: I have the honor to acknowledge the receipt of your letter of the 18th ultimo, requesting from me some statement of my knowledge of the services of M. S. Durkee, a soldier in the late 4th regiment United States infantry, during the late war, who has petitioned Congress for aid or bounty.

My first appointment to the army was in 1808, as major in the 4th regiment of infantry, and I served in that regiment till 1813. I knew said Durkee in said regiment to be an excellent soldier, and as deserving as any of said regiment; but a very few of whom now survive.

When the old 4th was recruited in 1808, '9, '10, and '11, the bounty for enlistment was only \$12, and no land bounty. If I mistake not, in 1812 the cash bounty was augmented, and a quarter section of land given; and before the war was ended the bounty in land was doubled, and the cash bounty raised to \$50 or \$100, and the monthly pay raised from \$5 to \$8 per month.

I believe all those who enlisted in 1808, '9, '10, and '11, and whose term of service lasted to the end of the war, and who served faithfully their full term of five years, received only \$12 bounty; while those who enlisted in 1812, '13, and '14, received their bounty in land and money, many of whom did not remain half the time in the service, and of course could not be so efficient soldiers, as there was no time or place to drill but in front of the enemy.

I presume some may be found belonging to the regiments of the old peace establishment, whose enlistment held them through the whole war, who received no bounty in land, or more than \$12 in money.

I have always believed that, whenever Congress should have this matter fairly laid before them, justice would be done.

I am, sir, with much respect, your most obedient servant,

JAMES MILLEP.

Hon. Wm. B. CALHOUN, M. C.

Washington city, D. C.

I, Marshall S. Durkee, of Brimfield, in the county of Hampden and Commonwealth of Massachusetts, testify and say: That the following sketches of the fatigues and sufferings of the 4th regiment of the United States infantry, in the late war with Great Britain, and of Captain Whitney's company of riflemen, are now made by me from a painful recollection of events to which I was an eye and ear witness, and in which I bore an humble part.

The company of the 4th regiment to which I belonged was enlisted at Springfield, Massachusetts, in the summer and fall of 1808, under Captain David Byers and Lieutenant Josiah Snelling, and consisted of 48 non-commissioned officers and privates. The pay of a sergeant was \$8 per month, and \$12 bounty, half paid down. The pay of privates was \$5 per month, and \$12 bounty, half paid down.

About the 20th of October we marched for Burlington, Vermont, where we arrived the 2d of November—distance 210 miles. Here we met Captain Doane's and Captain Brown's companies of the same regiment, and tarried six or seven days, when Captain Byers's company was ordered to Swanton.

falls, thirty-five miles farther. Our company was now divided into three detachments, two of which were ordered off—one to Windmill point, and the other to Missisco bay—for the purpose of intercepting smuggling boats on the lake and bay. This last detachment unfortunately upset a boat, by which Ensign Clarke and two privates were drowned. About this time a storm of alternate rain and snow commenced, and continued for thirty days, by means of which the roads from Burlington to Swanton were impassable, and our supply of provisions cut off. But little provisions could be procured of the inhabitants, and these consisted of corn meal, damaged fish, and a small quantity of meat. Our winter clothing did not arrive till the latter part of December, and we had received no money from Government since our enlistment. Worn down by hunger, fatigue, and want of clothing, one or two died; others were unable to perform duty; and some of the most active deserted. The consequence was, we became too weak to sustain a guard at the necessary posts, and Captain Doane's company was sent to our assistance.

About this time the small-pox made its appearance among us, and all who had not previously had that disease were liable to all the miseries attending that loathsome pestilence under the most unfavorable circumstances. In consequence of this disease, on the 6th of January, 1809, we were ordered from our quarters in the village, to some wretched log-huts, one mile in the wilderness. Here, with one blanket each, and some loose straw, in hovels not fit to shelter cattle, in an inhospitable climate, with the snow four feet deep around us, and no money, we dragged out four weeks of miserable existence, suffering more than can be easily described. During this time, six or seven of the two companies died, and several others remained in a feeble state through the winter and spring.

About the last of May we were ordered back to Burlington, where we again joined Brown's company, and Captain Estabrook's of the light infantry, and returned to Springfield, Massachusetts, under the command of Lieutenant Colonel Whiting, where we arrived the 16th of June, 1809. During our absence from Springfield, our company received six recruits, and lost thirty-two by death and desertion. Here Colonel Whiting left us, and Major (now General) Miller took the command. On the 6th of July, Captain Estabrook's company marched for West Point, and the remainder of the detachment for Newport, Rhode Island—distance 90 miles. Here we met Captain Bean's company of the 4th regiment. About the 26th of October this detachment was ordered to Fort Independence, Boston harbor, and Captain Byers was dismissed from the army. The latter part of May, 1810, Captain Robert C. Barton took the place of Captain Byers, and, in company with Captain M. Whitney's riflemen, marched us back to Newport; and Captain Brown's company soon after followed. We continued here, repairing fortifications, until about the 1st of May, 1811, when we were ordered by water to the Lazaretto, five miles below Philadelphia.

Here, during the month of May, were collected from the different parts of New England Captain Whitney's company of riflemen, and eight companies of the 4th regiment, under Captains Wentworth, Bean, Cook, Prescott, Brown, Snelling, Barton, and Welch. I do not know the exact number of the detachment, but think it consisted of about five hundred, exclusive of commissioned officers.

On the 2d or 3d of June, 1811, we commenced our march for Pittsburg, under Colonel John P. Boyd and Lieutenant Colonel James Miller, and

arrived there about the 29th. The distance, I think, is over three hundred miles; the country was mountainous, the weather dry and hot, the roads dusty, and the march fatiguing. About the last of July we embarked on board of several boats, and descended the Ohio to Newport, Kentucky, in about nine days. We continued here till about the last of the month; had some sickness, and several deaths. On the 30th of August left Newport, and descended to the falls of Ohio, where we met General Harrison. Colonel Boyd accompanied him to Vincennes, Indiana, and left Colonel Miller with the regiment, to continue the route by water. We arrived at the mouth of the Wabash September 9th; distance by water from Pittsburg 1,622 miles. We had now to ascend the Wabash to Vincennes, 160 miles; the stream low and rapid, and often obstructed by rocks and sand-bars. At times, we had to continue almost the whole day wading the river and dragging our boats over logs, sand, and rocks. By this exposure to fatigue and wet, several of our best men sickened, and some died. We arrived at Vincennes September 19th, where we continued a few days, and were reviewed in company with a militia force; and on the 27th, under the command of General Harrison, marched for the Prophet's town, or Tippecanoe. After proceeding about 70 miles up the Wabash, we formed an encampment on the bank and built Fort Harrison. Here we continued until the 21st of October, and then took up our line of march, crossed the Wabash, and built a small block-house near the Vermillion river, probably about forty miles from Fort Harrison. We left a few sick with a guard at the block-house, and proceeded to Tippecanoe, where we arrived the 6th of November, 1811, and encamped near the town for the night, awaiting the horrors of the coming morning. The battle is too well known to need any description from me. Suffice it to say, that the 4th regiment bore a conspicuous part. This regiment, including a small detachment, under Lieutenant Albright, of the 1st and 7th regiments, probably amounted to three hundred; seventy of whom were killed and wounded. We drew our last provisions on the morning of the battle; but procured corn and beans from the Indian town (Tippecanoe) sufficient to sustain us till we met our provisions forwarded by Colonel Miller from Fort Harrison, to which we now returned. Here we left Captain Snelling to guard the post, and again marched for Vincennes, where we arrived the 18th or 19th of November, fatigued and worn down. We continued here during the winter of 1812, where some of our sick and wounded died; and others had their limbs amputated, and were made cripples for life. We had some little scouting in the spring, in consequence of Indian depredations near us. Colonel Boyd left us for the city of Washington, and Colonel Miller took the command of the regiment.

About the 1st of May, we received orders to march to the State of Ohio, to join General Hull. Our route was from Vincennes to the falls of Ohio, through Louisville, and Frankfort, Kentucky, to Cincinnati, Ohio; thence by Dayton to Urbana. I think this route must be nearly 400 miles, which was performed with but one day's rest. Here we found General Hull waiting our arrival with three regiments of militia under Colonels Cass, McArthur, and Finley. We rested ten or twelve days, and, about the middle of June, commenced our march through the wilderness to Detroit, Michigan. In our route we had to pass the Black Swamp, (so called), and sometimes to wade almost the whole day in mud and water from ankle to waist deep; and this was the only beverage we had to slake our thirst.

We arrived at Detroit the 5th or 6th of July; and our route hither, from Vincennes, must have been between five and six hundred miles. While here, I, with others, accompanied Colonels Cass and Miller to the eastward, and the latter to Brownstown, where twenty-five or thirty more of our regiment were killed or wounded.

On the memorable 16th of August, 1812, the fort was surrendered to General Brock, and the whole military force made prisoners of war. The militia were sent home on parole, but the regular troops, consisting of the famished remains of the fourth regiment, and two or three small detachments from other regiments, (amounting to probably about three hundred,) were ordered to Quebec. We stopped a few days at Kingston, and two days at Montreal, where Colonel Miller left us on parole, for the purpose of sending on some supplies from our Government. We reached Quebec about the 12th of September, and were put on board two prison-ships anchored near the middle of the river. Here was the commencement of our most extreme sufferings. Our officers were taken into the city, and we saw them no more until our parole. We were stowed into the hold, where there was not room for all to stand, so that a part of us were obliged to keep our berths. We were obliged to keep the hatches open at all times, in order to get breath, while the rain and snow, and damp fogs of the river, were continually falling upon us. We had no fire in our cabin, nor any on deck, except what was under a copper kettle, the only utensil we had for cooking. We, however, had but little to cook; our meat, exclusive of bones, could not exceed two ounces per day to each man; our bread was rotten sea-biscuit, full of small worms, long since dead—probably from so wretched a diet. Some days we drew a little musty rye flour, with a small quantity of salted suet; with these we made a kind of pudding, which we boiled in the legs of some old pantaloons; and, in our hungry state, devoured this dainty with a voracious appetite. At other times, we drew some rotten barley meal, which we could not eat, and threw it into the river; we also occasionally drew a few peas, which we could not boil soft, so as to render them eatable. These were the only kinds of food we received of the British Government, from the time we entered the ship until we arrived in Boston. We had some old mattresses given us to sleep upon, which we found to be well stocked with vermin as hungry as ourselves. Some of the sick were carried to the hospital, but few of them ever returned.

We were in daily expectation of being sent to England, with the melancholy reflection of bidding a final adieu to our kindred and country, and leaving our friends in anxious suspense as to our miserable fate. The prospects before us seemed to indicate that we must languish for a short period, and then die the most wretched of all deaths—that of starvation! These anticipations, in connexion with our present sufferings, formed a kind of complicated misery, which neither pen nor tongue can describe, nor can any one imagine who has not experienced similar trials. In this situation we continued until the 27th of October, 1812, when we received intelligence that we were paroled and would be sent to Boston. Had not our agent fortunately arrived at this time, and paid us some money to enable us to purchase provisions to sustain us home, our parole would have been of little use. One of our number, a seafaring man, declared that, in our present condition, not one in ten could endure the passage to Boston; and I have great reason to believe that he was correct in his

estimation. From the time we left Vincennes, about the 1st of May, up to this date, we had received neither money nor clothing from our Government. Our sufferings had been long and severe, and several of our men had died at Quebec—how many, I cannot say. Our passage to Boston was protracted and boisterous; we being thirty days at sea, and narrowly escaping shipwreck. Thirty-seven or eight died on the way, and others immediately after landing; so that, I think, the whole number of deaths from September 12th (the time when we entered the prison-ships) to January 1st, 1813, (the time when we left Charlestown,) could not fall short of eighty. As near as I could learn, of the five hundred that left Philadelphia in 1811, not more than one hundred and fifty returned. The once brave and robust fourth regiment was literally so broken down and worn out, that, instead of recruiting it, a new one was formed in its stead, and it is now known as the old fourth regiment. When we arrived at Charlestown, a few citizens collected to witness our landing; but they soon turned away from this heart-rending scene with grief and horror. The few tattered garments that covered our emaciated frames were the same that had been drenched in the rivers and swamps, and encountered the briars and brushwood of Indiana, Kentucky, Ohio, Michigan, and Canada. Of these miserable objects, some could walk half a mile to their quarters, some could walk twenty and some ten rods, and others were entirely helpless, and in the last stage of a miserable existence.

In all the privations, toils, and sufferings of the old fourth regiment of United States infantry, Captain Whitney's company of riflemen fully participated; and many widows and orphans, in different parts of New England, were made poor and afflicted.

We continued at Charlestown until the 1st of January, 1813, during which time we were provided with excellent quarters, wholesome provisions, and comfortable clothing, and every attention was paid to our health and comfort; but to many, alas! these means came too late. The constitution was too much impaired, the powers of life were too nearly exhausted, to be recovered. Several accordingly died, and others remained sick in the hospital when we left on furlough. The summer and fall following our leaving Charlestown, our terms of service had mostly expired, and we were honorably discharged.

MARSHALL S. DURKEE.

HAMPDEN, ss.

Personally appeared Marshall S. Durkee, above named, and made oath to the truth of the foregoing statement by him subscribed, according to the best of his recollection. And I hereby certify that I am well acquainted with said Durkee, and that he sustains an unblemished reputation for truth and veracity.

FESTUS FOSTER,
Justice of the Peace.

DECEMBER 13, 1837.