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MAJOR DADE, ET AL.—PENSIONS TO WIDOWS AND CHILDREN.

[To accompany bill H. R. No. 426.]

MARCH 3, 1836.

Mr. E. WHITTLESEY, from the Committee of Claims, to which the subject had been referred, made the following

REPORT:

The Committee of Claims, to which was referred a petition in behalf of the widow and children of Major Dade, Captain G. W. Gardiner, Lieut. Bessinger, and such other widows and children of officers, non-commissioned officers and men, as were slaughtered on the 28th of December, 1835, under the command of Major Dade, report:

That the petitioners say, it is not expected that Congress can repair their loss, but that it can, and they trust will, alleviate their distresses, by feeding the widows, and enabling the mothers to feed and educate their children. They have not prayed for any relief more specific; but having presented their claim, they confide in the justice of Congress, to mitigate their sufferings.

It appears by the act of February 27, 1793, that John Harding and Alexander Trueman, while employed in carrying messages of peace to the hostile Indians, were killed by said Indians, and that four hundred and fifty dollars per annum, for seven years, were allowed to the widow and orphan children of the said Colonel John Harding, and that the sum of three hundred dollars per annum, for the term of seven years, were allowed to the orphan children of the said Major Alexander Trueman. By the act of May 14, 1800, one hundred dollars were appropriated for each of said children, until they should respectively attain the age of twenty-one years, to be applied by their several guardians, to the suitable education of the sons, and to the use of the daughters.

There may be other instances where money has been appropriated to educate the children of those who have died in the military service of the United States, since the adoption of the constitution, which have not been noticed by the committee; but if any exist, they must be few in number. The following resolution was passed in Congress, on the 8th of April, 1777:

“Resolved, That the eldest son of Gen. Warren, and the youngest son of Gen. Mercer, be educated, from this time, at the expense of the United States.”

By an act passed on the 2d of March, 1793, Congress appropriated the sum of four hundred dollars, for the education of Hugh Mercer, son of the said General Mercer, annually, from the time he was last paid; until his education should be finished, or should arrive at the age of twenty-one years.

These acts were passed when many distinguished men were members of Congress, who had participated in forming the constitution; and they are expositions of what was then considered the power of the General Government, in appropriating money for the purposes of education. The granting of half pay, for the period of five years, to the widow and orphans of those who were killed in the military service, was resorted to as early as the year 1794, and the precedent has been followed by many subsequent acts.

These acts have been passed at different periods, as the United States have been involved in war. The grants being made, those who are the recipients of them, may apply in any manner best calculated to promote their happiness or usefulness.

These laws were designed to furnish general relief to those who have been made widows and orphans by the premature deaths of their husbands and fathers in the military service, and to dispense with special legislation. By the general laws, more are relieved than would be by special acts.

The act of the 7th of June, 1794, is an act in addition to the act for the making further and more effectual provision for the protection of the frontiers of the United States.

The first section grants half pay, for five years, to the widow and children of any officer, when said officer shall die by reason of wounds received in actual service. In case of a widow, the payment was to be made to her, unless she married, or died; in either event it was to be paid to the child or children under sixteen years.

No greater sum was to be allowed in any case than the half pay of a lieutenant colonel.

The frontiers to which reference is made in the entitling of the act, were to frontiers then the theatre of Indian warfare.

The act of March 3, 1798, extended the provisions of the act of June 7, 1794, to the widows and children of all the officers of the troops of the United States, and of the militia who had died of their wounds received since the 4th day of March, 1789, in the actual service of the United States. Application was to be made in two years after the rising of that Congress, to entitle the person to the provisions of the act.

By an act, fixing the military peace establishment of the United States, passed on the 16th of March, 1802, half pay was granted to the widow and children of an officer who might die of any wounds received in actual service. Its payment was regulated by provisions similar to those in the act of June 7, 1794.

Half pay, however, by the act of March, 1802, was not restricted to the half pay of a lieutenant colonel.

The act to raise an additional military force, passed on the 11th of January, 1812, granted half pay to the widows and children of the officers who belonged to the military establishment of the United States, when such officers might die by reason of any wounds received in actual service. The provisions of this act are confined to officers of the regular troops.

The act passed on the 10th day of April, 1812, entitled an "Act for the relief of the officers and soldiers who served in the late campaign on the Wabash," granted half pay for five years to the widows and children of such officers, non-commissioned officers, and soldiers of the volunteers, or militia, as were killed or died of wounds received in such service.

Under this act, no greater allowance was to be made in any case than the half pay of a lieutenant colonel.

This was the first act that granted half pay to the widows and orphans of non-commissioned officers and soldiers, being volunteers or militia. It was retrospective in its operations.

The half pay was regulated by the rank in which the decedent served, and which was assigned to him by General Harrison.

By the act of January 29, 1813, half pay for five years was promised to the widows and children of the officers who should enter the service for twelve months, when such officer should die of wounds received in actual service.

Half pay for five years was promised by the act of August 2, 1813, to the widow and children of any commissioned officer, whether volunteer or militia, when such officer should die of a wound received in actual service.

The act of April 16, 1816, entitled an "Act making further provision for military services during the late war, and for other purposes," granted half pay for five years to the widow and children of such officers, private soldiers of the militia, including rangers, sea fencibles, and volunteers or any non-commissioned officer, musician or private, enlisted for one year or eighteen months, or commissioned officer of the army of the United States, as died in the service, or after being mustered out of said service, died on his return home of a wound received while in said service. By the act of April 20, 1818, the widows and orphans of the militia that served in the Seminole campaign, were allowed half pay for five years, where half pay had been allowed to the widows and orphans of the militia when their husbands and fathers were killed, or died of wounds received, in the service of the United States during the war with Great Britain. The committee has referred to the provisions of the several acts granting general relief to widows and orphans whose husbands and fathers have died in the military service, of wounds received therein, that Congress might see the entire legislation on this subject.

It will be seen by the acts referred to, that the widows and orphans of commissioned officers of the regular army, of commissioned volunteer and militia officers, non-commissioned officers, musicians, and privates, of volunteers and militia, have received half pay when their husbands and fathers have died of wounds received in the military service, and that the acts embracing the most numerous class of cases were retrospective.

The practice of making such allowances is fully established by the acts referred to.

It is believed that policy, justice, and humanity, all conspire to extend relief now to those who are not embraced by the acts mentioned, because such acts were confined to particular periods of the public service. Those who were made widows and orphans by the late Indian war at the west, or more recently by the hostilities of the Indians at the south, are as much entitled to the paternal care of the Government, as were those who have been provided for by the several acts mentioned. The committee can see no reason for confining such allowances to any period of the public service; but it thinks the law should be permanent as well to save legislation in future, as to give a pledge to the citizen soldier, if he dies of wounds received in the service, his wife and children shall not beg their bread.

With this view of the subject, the committee will report a bill conforming to the provisions of previous acts as to the subjects of relief, and the amount

to be allowed, but extending back to the act of April 20, 1818, and forward without limitation.

The act of April 16, 1816, gave half pay for five years according to the pay of the decedent. The consequence was that the widows and children of the rangers, received more than others, because rangers were paid a greater compensation when in service than other corps.

To remedy this inequality, Congress passed an act on the 3d of March, 1817, placing all on the half pay of infantry. Admonished by this legislation, the committee will report a bill placing the different corps on a footing of equality.