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Lands to organized militiamen, &c

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H.R. Rep. No. 756, 25th Cong., 2nd Sess. (1838)

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LANDS TO ORGANIZED MILITIAMEN, &c.

[To accompany bill H. R. No. 715.]

APRIL 6, 1838.

Mr. CASEY, from the Committee on the Public Lands, made the following

REPORT:

The Committee on the Public Lands, to whom have been referred a number of petitions, memorials, and resolutions, of individuals and of Legislatures, asking a bounty in land to those who served the country in the late war with Great Britain, have had the same under consideration, and report:

They find that the subject in some form, has been before Congress for a number of years, and, at the 1st session of the 24th Congress, underwent a full examination by the Committee on the Public Lands. In the report made to the House upon that occasion, the committee fully concur. They annex it hereto, and report a bill.

APRIL 20, 1836.

The Committee on the Public Lands, to which were referred the memorials of the General Assemblies of the States of Illinois and Indiana, praying for additional remuneration to the militiamen and rangers who defended the frontier of the United States during the late war with Great Britain; and also, a preamble and joint resolution of the General Assembly of the Commonwealth of Kentucky, proposing the passage of a law of Congress to place the officers and soldiers, who served for a less term than five years in the United States army, in the last war with Great Britain, on a just equality with the soldiers of that army, in the distribution of the public lands; with instructions by the House of Representatives "to inquire into the propriety of passing a law in accordance to the said preamble and resolutions," respectfully submit the following report:

That, by an act of Congress passed the 2d of January, 1812, the President of the United States was authorized, whenever he should have satisfactory evidence of the actual or threatened invasion of any State or Territory of the United States by any Indian tribe or tribes, to raise, either by the acceptance of volunteers, or enlistment for one year, unless sooner discharged, as many companies as he should deem necessary, not exceeding six, to serve on foot, or be mounted, as the service might require, and who should act upon the frontier as rangers; each of the said companies was

to consist of one captain, one first and one second lieutenant, one ensign, four sergeants, four corporals, and sixty privates.

The above-recited act further provided "that the commissioned officers should receive the same pay and rations as officers of the same grades in the army of the United States; and when the rangers should arm and equip themselves, and provide their own horses, they should be allowed each one dollar per day. The manner of arming, equipping, and organizing the said corps, was placed under such regulations and restrictions as the nature of the service, in the opinion of the President, might require. This act of course took effect from its passage, and was to continue in force for one year, and from thence to the end of the next session of Congress.

On the 1st day of July, 1812, Congress, by a supplementary act, authorized the raising of one additional company of rangers, under like conditions and restrictions.

On the 25th day of February, 1813, Congress provided a further increase of ten additional companies of rangers, and placed them upon a similar footing; and on the 24th of July following, the same acts referred to were continued for one year from that time, and until the end of the next ensuing session of Congress. And so efficient had the rangers proved themselves to be, that these ten companies were made the substitute for a regiment authorized to be raised by a previous law.

The companies thus authorized to be raised were organized, and entered the service of the United States. The nature of that service, its hazards and hardships, are well described in the memorial of the Illinois Legislature. They show that this class of citizens, now for the first time attempted to be brought forward to the consideration of Congress, are not the least deserving the aid of the Government, though they are the last almost of the defenders of our country who have asked for any remuneration. Their claims to the attention and favor of the Government will be better understood from a brief outline of the condition of the country when they were its defenders, and the nature of their services. Previously to the year 1812, the settlements of the country were confined to the margin of the rivers Ohio and Mississippi, while all between was a wilderness, but little frequented by the whites, and the constant abode of the Indians; and when the late war broke out, these settlements were always exposed to their attacks, and subject to their perpetual hostilities. The weakness of their situation forced the inhabitants to use extraordinary exertions for their defence: they erected stations, and abandoning their homes, and in many instances all they had on earth, they devoted themselves wholly to the defence of their country; they were thus of great benefit to the inhabitants of the adjacent States, who, but for their adventurous boldness, would have been equally exposed; they formed the advance-guard of the country during a fierce and ferocious Indian war; and their privations and sufferings were almost unparalleled.

The late war with Great Britain raging at this time, the great body of the troops of the United States was engaged in defending the more populous parts of the Union, and what is now the States of Illinois, Indiana, and Missouri, were left to rely on their own strength and courage for their defence; and it is a proud reflection, that these brave men did effectually defend, not only their own widely-extended frontier, but also the citizens and property of the adjacent States.

The individuals composing these companies were not like those who made up the regular army of the United States in many respects: they were citizen-soldiers, acting upon an extended frontier, surrounded on all sides by powerful and warlike tribes of Indians; many of them expended their all in equipping themselves for the service; their clothing, arms, and horses, were furnished by themselves; neither rations nor forage were supplied by the Government, for the ranger was bound, out of his small wages, to furnish himself with a horse, arms, ammunition, clothing, and provisions; not one cent was ever contributed by Government towards their subsistence; no convenience provided but what their own hard-earned money paid for. Many of them had families, whose whole reliance for support was upon those who were on duty, and who were provided for out of their wages. While in service they were often prevented from cultivating their farms for an entire season, and the loss of a crop was to them a loss of no ordinary magnitude. Add to this, that all articles of consumption, use, or necessity bore an exceedingly high price, and then deduct from their pay those articles of necessity without which they were not qualified for the service, and then, it may well be asked, what remains as a remuneration for the time, services, and devotion, of these citizen-soldiers? Your committee answer, respectfully but unhesitatingly, *nothing!* The same may be said of the militia and volunteers in every part of the United States. They left their firesides, families, and farms; penetrated, in many instances, the uninhabited wilderness; traversed countries without roads or bridges; and met, without a murmur, all the inclemencies of the weather, and all the hardships incident to the nature of the service, to rid the country of violence, outrage, and death.

The battle of Baltimore was fought mainly by the militia and volunteers of the country; the bloody field of Fort Erie was mainly won by the militia; the ever-memorable battle of the Thames was achieved by a charge of mounted volunteer gunmen—a military operation unparalleled in the history of any country; all General Jackson's battles with the Indians were won by volunteer militia; and, to close the late war with Great Britain, a battle was fought and won on the plains of Orleans by the gallant but undisciplined sons of Tennessee and Kentucky, under the direction of their able chief, without a rival, and which covered the country with imperishable glory and renown,

These brave men now come forward, and, relying confidently upon the justice and liberality of Congress, ask a bounty in land proportionate to their services. Your committee are disposed to view favorably this application.

By estimates furnished the Committee on the Public Lands by the Treasury Department, it will be seen that the quantity of land to which the Indian title has been extinguished by the United States up to September 30, 1835, was 268,348,942 acres; the quantity of land surveyed and offered for sale on the date aforesaid 166,897,082 acres; the quantity of land sold at said date 44,499,620 acres; the quantity of land remaining unsold and liable to private entry on said date 122,397,462 acres; the quantity surveyed but not offered for sale at said date, 9,772,739 acres; the quantity within the limits of the United States west of the river Mississippi, and west of the organized limits of the States and Territories, 715,000,000 acres.

It is true that the public domain has stood pledged for the redemption of

the public debt, and that fact may have justified the argument that Congress could not dispose of it by granting it in bounties, or making donations to our meritorious citizens. But your committee are glad to have it in their power to say that the time for the use of that argument has gone by, and now that the last cent of the public debt has been paid, and that the vast quantity of the public lands held by the Government is free of all encumbrances, your committee hope, and believe, that a more liberal policy will hereafter characterize the legislation of Congress on the subject of those lands.

By two several acts of Congress, passed the 24th of December, 1811, and on the 14th of January, 1812, it is provided, that whenever any non-commissioned officer or soldier of the *regular* army shall be discharged from the service, who shall have obtained from the commanding officer of his company, battalion, or regiment, a certificate that he had faithfully performed his duty whilst in service, he should be allowed, in addition to the bounty in money that those acts provided, three months' pay, and *one hundred and sixty acres of land*; and the heirs and representatives of those non-commissioned officers and soldiers who might be killed in action, or die in the service of the United States, should likewise be paid and allowed the said additional bounty of three months' pay and *one hundred and sixty acres of land*, to be designated, surveyed, and laid off, at the public expense, in such manner, and upon such terms and conditions, as should be provided by law.

By an act passed December 10, 1814, it is provided, that in lieu of the bounty of one hundred and sixty acres of land then allowed by law, there should be allowed to each non-commissioned officer and soldier thereafter enlisted, when discharged from the service, who should have obtained from the commanding officer of his company, battalion, or regiment, a certificate that he had faithfully performed his duty whilst in the service, *three hundred and twenty acres of land*, to be surveyed, laid off, and granted, under the regulations prescribed by law. In the same act it is provided that the widow and children, or parents of every non-commissioned officer and soldier, enlisted according to law, who might be killed, or die in the service of the United States, should be entitled to receive the three hundred and twenty acres of land.

Thus it will be seen that the principle of giving bounties in *land*, for faithful military services, has been fully recognised by the Government, and approved by our fellow-citizens generally.

It is believed by your committee that no class of troops engaged in the military service of the United States during the late war, performed their duty more faithfully, or rendered services more hazardous in their nature, or more beneficial in their results to the country, than those organized militiamen, volunteers and rangers, whose claims on the liberality and justice of the Government are now brought before Congress by the memorials of the Legislatures of Illinois and Indiana, and joint resolutions of the Legislature of Kentucky, who have received no bounty in land from the United States, but who bravely defended their country during the trying scenes of the late war with Great Britain, against all her foes, whether civilized or savage.

A liberal bounty in land to these brave men would be of great advantage to them, and an easy method of remunerating such signal services so faithfully rendered.

A BILL granting a bounty in land to the organized militiamen, mounted militiamen, volunteers, and rangers, who defended the country during the late war with Great Britain.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That each commissioned officer, non-commissioned officer, and soldier, of the organized militiamen, mounted militiamen, volunteers, and rangers, who entered the service of the United States under the several acts of Congress providing for the defence of the country during the late war with Great Britain, and was regularly discharged, and who has not received a bounty in land from the United States, shall be allowed, under such regulations as shall be prescribed by the Secretary of the Treasury, one hundred and sixty acres of land, as a bounty from the United States; the said land to be entered at the proper land office free of cost or charge; to be selected out of any of the unappropriated land of the United States which may be subject to sale at private entry: *Provided,* That the legal representatives of each of the aforesaid commissioned officers, non-commissioned officers, and soldiers, who may not be living at the time this act shall take effect, shall be entitled to receive the bounty of one hundred and sixty acres of land provided for by this act.

TREASURY DEPARTMENT,

January 13, 1836.

SIR: I have the honor to transmit a report of the Commissioner of the General Land Office, in compliance with your request of the 23d ultimo.

I am, very respectfully, your obedient servant,

LEVI WOODBURY,
Secretary of the Treasury.

Hon. ZADOK CASEY,
Com. on Public Lands, H. R.

GENERAL LAND OFFICE,

January 13, 1836.

SIR: The information requested by the Hon. Z. Casey, in his letter to the Department of 23d ultimo, and which you referred to this office, has been prepared with every practicable expedition, and I transmit herewith the required report.

I have the honor to be, very respectfully, sir, your obedient servant,

ETHAN A. BROWN,
Commissioner

Hon. LEVI WOODBURY,
Secretary of the Treasury.

TABLE.

States and Territories.	Estimated superficial contents of each State and Territory.	Estimated quantity of land to which the Indian title has been extinguished by the United States, 30th Sept. 1835.	Quantity of land surveyed and offered for sale in each State and Territory, on the 30th Sept 1835.	Quantity of land remaining unsold and liable to private entry, on the 30th Sept. 1835.	Quantity of land sold in each State and Territory 30th Sept. 1835.	Estimated quantity of land surveyed but not offered for sale, 30th Sept. 1835.	Estimated quantity of land in the States and Territories, not ceded to the United States, 30th Sept. 1835.
	Acres.	Acres.	Acres. Hdths.	Acres. Hdths.	Acres. Hdths.	Acres.	Acres.
Ohio - - -	24,923,899	24,777,683	14,703,163 10	4,100,492 18	*10,602,670 92	6,438	146,216
Indiana - - -	22,032,469	21,020,167	18,690,447 53	10,299,608 62	8,300,838 91	299,520	1,012,302
Illinois - - -	32,321,947	32,321,947	21,574,495 45	17,234,014 35	4,340,481 10	-	-
Missouri - - -	39,119,018	39,119,018	20,392,249 14	17,443,429 90	2,948,819 24	-	-
Alabama - - -	32,174,640	30,654,000	29,915,088 56	22,586,058 56	7,329,030 00	-	1,520,640
Mississippi - - -	27,487,200	27,487,200	†17,525,818 82	11,924,301 48	5,601,517 34	158,621	1,382,400
Louisiana - - -	31,463,040	-	6,450,942 05	5,683,526 98	767,415 07	4,055,040	400,000
Arkansas - - -	37,555,200	36,955,200	13,891,538 31	13,223,175 80	668,362 51	829,440	600,000
Michigan, peninsula - -	24,209,567	17,189,407	12,211,519 37	9,003,697 49	3,207,821 88	-	7,020,160
Michigan, west of lake -	77,251,840	8,824,320	4,674,690 71	4,524,935 96	149,754 75	599,040	68,427,520
Florida - - -	35,286,760	30,000,000	6,867,129 87	6,374,220 71	492,909 16	2,442,240	-
Total - - -	383,825,580	268,348,942	166,897,082 91	122,397,462 03	44,499,620 88	9,772,739	79,126,838

Estimated quantity of land within the limits of the United States, west of the Mississippi river, and west of the organized limits of States and Territories, 715,000,000 acres.

* This quantity includes the lands sold at New York and Pittsburg, and the special sales to John Cleves Symmes and the Ohio company, prior to the organization of the district land offices.

† The lands ceded to the United States by the Chickasaw Indians, lying within the limits of the States of Mississippi and Alabama, by the treaty of 1832, and estimated to contain 6,422,400 acres, are not included in the lands "surveyed and offered for sale" in those States."

GENERAL LAND OFFICE, January 13, 1836.

ETHAN A BROWN,
Commissioner.