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Josephine Nourse.

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JOSEPHINE NOURSE.

[To accompany bill H. R. No. 509.]

JANUARY 31, 1838.

Mr. MASON, of Ohio, from the Committee on Military Affairs, made the following

REPORT:

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

That the deceased was appointed an assistant surgeon in the army of the United States, and stationed at Key West. While residing at that post, the war with the Seminole Indians broke out, and Doctor 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. The march of the army was a continual bivouac, from the 10th of March till the 25th of May, in a pestilential atmosphere, through a country rendered almost impassable by deep morasses and stagnant waters, without such provisions as are essential to the health of troops in the field.

The duties of Doctor Nourse, under these circumstances, were arduous and incessant; and his attentions to the sick and wounded faithful and unwearied. It appears to the committee, from testimony accompanying the petition, that during this campaign he contracted the disease which terminated his life at Key West on the 19th day of May, A. D. 1836, and that his death was occasioned by his exertions and exposure in field service. By the death of her husband, the petitioner has suddenly been deprived of his protection, and, with her infant children, thrown on the compassion of others for the means of present and the hopes of future support. Under these circumstances of destitution and helplessness, she asks the assistance of that country in whose service her husband fell, in the midst of a career of usefulness and devotion to the cause of humanity.

Congress has made ample provision for the widows of officers and soldiers of the militia and volunteers who may have died from any cause while employed in the service of the United States, by granting to them half pay during the period of five years. The same principle has been extended to the widows of commissioned officers of the army of the United States who may have died of wounds received in actual service. Had Doctor Nourse belonged to the militia or volunteers, and died as he did, of disease, his widow beyond all question would have been entitled to half

pay. But he belonged to the army of the United States. To grant relief in the one case, and withhold it in the other, would be to recognise a principle of discrimination not only invidious, but wholly incapable of vindication. Either the law in favor of the militia and volunteers ought to be repealed, or its policy and humanity extended to the army of the United States.

Besides, in reference to the case of the petitioner, it would be difficult, on principle, to distinguish the merits of a claim founded on the death of an officer who died in consequence of wounds received in actual service, from one founded on his death occasioned by disease contracted in actual service, and in *consequence of that service*. On the whole, the committee agree to report a bill for the relief of the petitioner, by granting to her half of the pay to which her husband was entitled, subject to certain limitations specified in the bill.

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 March until the 25th 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.

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.

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

Resolved, That we deeply sympathize with the relations and friends of Doctor 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*.

KEY WEST, *May 25, 1836.*

MY DEAR SIR : Before this shall have reached you, you will have received the afflicting intelligence of the death of your son, Doctor B. F. Nourse. I shall not intrude upon the sacredness of grief, by attempting to offer you any comfort or consolation in your severe bereavement. "The heart knoweth its own sorrows, and a stranger intermeddleth not therewith."

But I may be permitted to condole and sympathize with you and the family of the deceased. I knew the deceased well ; I appreciated the excellency of his character ; you have lost a son, and I a friend.

By the last of the foregoing resolutions, I am requested to offer to the friends of the doctor, on behalf of the citizens of Key West, their sincere sympathies in this dispensation of Providence. This I now do, with every wish for the happiness of yourself, the widow, and the orphan children.

I am, your obedient servant,

WILLIAM MARVIN.

M. NOURSE, Esq.