26th Congress, 1st Session. Rep. No. 201. Ho. of Reps.

# PAMELA BROWN.

[To accompany bill H. R. No. 213.]

March 5, 1840.

Mr. Randall, from the Committee on Invalid Pensions, submitted the following

## REPORT:

*The Committee on Invalid Pensions, to whom was referred the petition of Pamela Brown, report:*

The petitioner is the widow of the late Major General Jacob Brown. It is matter of history, that General Brown was severely wounded in the battle at Niagara, on the 25th of July, 1814; notwithstanding which, he retained the command until the hour of victory. History also proves that, on the 2d of September of that year, before his wounds were healed, he again took the immediate command of the army, then besieged on the Canadian side of the Niagara, from which perilous position he relieved it, after an arduous service, by the brilliant sortie from Fort Erie on the 17th of the same month. It is in evidence, that his wounds, aggravated by his exertions and exposure at this time, as well as during the following November, brought on a derangement of the system, which continued without intermission until checked by medical treatment in 1821, which produced a paralysis, prostrating him for the remainder of life, and terminating in his death on the 24th of February, 1828.

The only question that has been supposed to arise in this case, is, whether the death of General Brown has been so clearly traced to his wounds as to bring the petitioner's claim within the provisions of the law of 1802, allowing five years' half pay to the widows of officers "who die by reason of any wound received in active service of the United States." The long interval that elapsed between the time when the wounds were inflicted and the death believed to have resulted therefrom, although it cannot diminish the justice of the claim, has doubtless increased the difficulty of obtaining testimony in support of it. Yet the testimony of Dr. Trowbridge on this point, supported as it is by the opinion of the Surgeon General, Dr. Lawson, and confirmed by the general order of the War Department, and by the statements of Majors Kirby and Dix, and of Judge McLean, seems to be all that could reasonably be required. Under the circumstances, it seems difficult to entertain a reasonable doubt that, but for the wounds he received, the death of General Brown would not have occurred at the time and in the manner before stated. If so, she unquestionably has a legal claim to relief. It is also believed that, in a case like this, in which a commander has repeatedly led his countrymen to victory over a brave and powerful foe, but never to defeat—in which, after spend-

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ing fifteen years of meridian life in the public service, he sinks under a constitution broken down by wounds and hardships imposed by that service as the price of victory, and in poverty, which no profligacy or profusion had brought upon him,--if there be no law to relieve his estimable widow, in her age, from the miseries of want, clearly there should be such a law.

A bill is, therefore, herewith reported for the relief of Mrs. Brown. The material testimony, on which the opinion of the committee rests, is annexed.

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JANUARY 13, 1838.

*The Committee on Invalid Pensions, to whom was referred the petition of Pamela Brown, widow of the late Major General Jacob Brown, report:*

That the petitioner represents that her deceased husband, General Jacob Brown, was severely wounded at the battle of Niagara, on the 25th of July, 1814; that, "yielding to high and patriotic impulses, he resumed the immediate command of the army, then besieged on the Canada side of the Niagara, on the 2d of September, and remained exposed to almost every species of discomfort till he relieved it from its perilous position by the brilliant sortie from Fort Erie, of the 17th of September, 1814; that the exposure to inclement weather in an open camp, with wounds still unhealed, and consequent feeble health, brought upon him a derangement of the system, which lasted, without intermission, till 1821, when it was checked by medical treatment, and was the immediate and only cause of the paralytic attack which prostrated him for the residue of his life," and which terminated in his death on the 24th of February, 1828.

Under the full conviction that the death of her husband could be clearly traced, through a long and successive train of disease and suffering, back to the wounds received in the battle of Niagara as the original cause, and that, therefore, she was entitled to the benefit of the act of the 11th of January, 1802, and other subsequent acts of Congress, which provide "that if any commissioned officer in the military peace establishment of the United States shall, while in the service of the United States, die, by reason of any wound received in active service of the United States, and leave a widow, or, if no widow, a child or children under sixteen years of age, such widow, or, if no widow, such child or children, shall be entitled to, and receive, half the monthly pay to which the deceased was entitled at the time of his death, for and during the term of five years." She submitted her claim to the War Department in 1836, upon which the Attorney General of the United States, then Secretary of War *ad interim*, endorsed the following opinion:

"There can be no doubt of Mrs. Brown's being entitled to a pension, under the act of 1802 within quoted, provided she can show, to the satisfaction of the proper officer, that her husband died *by reason* of the wound received on the Niagara in 1814. The fact that he lingered till 1828 cannot deprive her of the pension, provided she can satisfactorily trace his death to that cause."

The claim was not allowed, as not coming within the rules which govern the department under the acts referred to, as appears from a letter of Mr. Hagner, in which he also refers to the case of the widow of the late Captain

Schmuk, as being analogous to this, and which was provided for by a special act of Congress passed 28th June, 1836.

The petitioner further represents, that the late war found her husband in active business pursuits, and independent in his circumstances; and that, abandoning his private business, and devoting himself to the service of his country, his pecuniary affairs became involved in irretrievable ruin; and that, "after years of suffering, the direct consequence of desperate wounds received while leading the army under his command to victory, he died, at a period scarcely beyond the meridian of manhood," covered with glory, honored and beloved, but leaving his numerous family without the means of support, from which destitute situation they were only for a time relieved by a prompt and beneficent act of legislation. Therefore, believing that her husband lost a property ample for the support of his family, and sacrificed his life in the service of his country, she prays Congress to pass an act granting her the half pay, for five years, to which, under the existing laws, she believes she is justly entitled.

The evidence in support of the claim is herewith submitted.

The committee, in considering this case, have put much confidence in the testimony of Doctor Trowbridge, whose opportunities for an intimate acquaintance with the illness of General Brown, the successive train of symptoms attending it, and its causes, and whose reputation for science, skill in his profession, and great experience, entitles his opinion to the highest respect. After a description of the wound, and detailing the progress of consequent disease, so far as had come under his observation, he says: "I have *no doubt* but the disease was occasioned by the original wound received at Bridgewater, aggravated and rendered more severe by too early moving and exposure, and confirmed by his travelling from Buffalo to Sackett's Harbor in the month of November, 1814, during an unusual severity of weather."

The opinion of Dr. Lawson, the present Surgeon General of the United States army, is no less entitled to weight, and is equally decided and direct to the main question before the committee. It is also alleged that the general order announcing the death of General Brown to the army of the United States attributed the event to the wound and hardships of his campaigns on the Canada frontier, as the original cause; and that this statement was founded on the well-known opinion of the late Doctor Lovell, then Surgeon General of the army of the United States. The opinion of the medical gentlemen referred to is corroborated by the statements of John A. Dix and Edmund Kirby, who for many years were members of the military family of the General, and the letter of the honorable John McLean, whose intimacy with General Brown for several years previous to his death gave him a favorable opportunity of becoming acquainted with the nature of his disease, and the origin to which it was attributed.

The committee, aware of the difficulty of forming a positive opinion of the extent of the agency of the wound in producing the death of General Brown, from the length of the intervening period between the alleged cause and the final effect, have given the subject their most careful and deliberate consideration, and have come to the conclusion that the testimony in the case will fully sustain them in the opinion that the successive stages of disease which terminated his life may fairly be traced to the wound received at the battle of Niagara, as the primary cause; and that the petitioner is entitled to the relief provided by law for the widow of such officer as shall "die

by reason of any wound received in actual service of the United States;" and therefore report a bill.

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No. 1.

ORDERS.

DEPARTMENT OF WAR,
*February* 28, 1828.

The Secretary of War, by direction of the President of the United States, announces to the army the painful intelligence of the decease [the 24th of February] of Major General Brown.

To say that he was one of the men who have rendered most important services to his country, would fall far short of the tribute due to his character. Uniting with the most unaffected simplicity the highest degree of personal valor and of intellectual energy, he stands pre-eminent before the world, and for after ages, in that band of heroic spirits who, upon the ocean and the land, formed and sustained, during the second war with Great Britain, the martial reputation of their country. To this high and honorable purpose General Brown may be truly said to have sacrificed his life; for the disease which abridged his days, and has terminated his career at a period scarcely beyond the meridian of manhood, undoubtedly originated in the hardships of his campaigns on the Canada frontier, and in that glorious wound which, though desperate, could not remove him from the field of battle till it was won.

Quick to perceive, sagacious to anticipate, prompt to decide, and daring in execution, he was born with the qualities which constitute a great commander. His military *coup-d'œil,* his intuitive penetration, his knowledge of men, and his capacity to control them, were known to all his companions in arms, and commanded their respect; while the gentleness of his disposition, the courtesy of his deportment, his scrupulous regard to their rights, his constant attention to their wants, and his affectionate attachment to their persons, universally won their hearts, and bound them to him as a father.

Calm and collected in the presence of the enemy, he was, withal, tender of human life; in the hour of battle, more sparing of the blood of the soldier than his own. In the hour of victory, the vanquished enemy found in him a humane and compassionate friend; not one drop of blood shed in wantonness or cruelty sullies the purity of his fame. Defeat he was never called to endure; but in the crisis of difficulty and danger, he displayed untiring patience, and fortitude not to be overcome.

Such was the great and accomplished captain whose loss the army has now, in common with their fellow-citizens of all classes, to deplore. While indulging the kindly impulses of nature, and yielding the tribute of a tear upon his grave, let it not be permitted to close upon his bright example, as it must upon his mortal remains. Let him be more nobly sepulchred in the hearts of his fellow-soldiers, and his imperishable monument be found in their endeavors to emulate his virtues.

The officers of the army will wear the badge of mourning for six months on the left arm and hilt of the sword. Guns will be fired at each military post, at intervals of thirty minutes, from the rising to the setting of the sun, on the day succeeding the arrival of this order, during which the national flag will be suspended at half-mast.

JAMES BARBOUR.

No. 2.

I, Amasa Trowbridge, of Watertown, in the county of Jefferson, and State of New York, late surgeon of the United States army, depose and say:

That I was well acquainted with the late Major General Jacob Brown, of the United States army.

That I was present at the battle at Bridgewater, in Upper Canada, on the night of the 25th of July, 1814. That I dressed the wounds which said Brown received, the same night, at the same engagement, while directing the movements of the American army, then engaged with the enemy.

The principal wound which the General received was made by a musket ball's passing obliquely through the upper portion of the right thigh, lacerating the external integuments, wounding the *triceps femoris* muscle, glands, and the great tendinous fascia of the thigh.

That I visited and dressed the wounds of the said Brown, while on the south side of Buffalo bay, opposite to Fort Erie, several days after the said engagement at Bridgewater, where he took lodgings for a few weeks.

Some time in September following, I attended said Brown on board of an armed schooner belonging to the United States navy, on Lake Erie, lying near Fort Erie, to which place he was carried, better to direct the movements at said fort.

In consequence of moving, and his confined state in this vessel, inflammation extended upon the tendinous fascia of the wounded thigh quite to its various attachments, the capsular ligaments of the femur and trocanter, and crest of the ilium, and the various muscles of the thigh. He was at this time attended with much fever, pain, and feebleness. A few weeks after this, he left the vessel and took a marquee near the fort. Here he soon recovered so as to walk and mount his horse, and directed the movements of the troops at the sortie, and afterwards, in descending the Niagara river with General Izard; but much feebleness, occasioned by local irritation about the parts originally wounded, yet remained, attended with a derangement of the digestive organs.

In the months of February and March following, I visited him frequently at Sackett's Harbor, and prescribed for him. He was at this time laboring under neurolgic complaints in the muscular system, morbid state of the stomach and bowels, and general debility. I occasionally saw him from this time till the spring of 1821, and consulted with other physicians in his case. In October of this year I attended him when prostrated by an apoplectic stroke, which nearly destroyed life; and occasionally saw him till the spring following, when he had partially recovered. I visited him again in 1827, in this county, while on a tour from Washington to the north. I found him then laboring under a train of symptoms similar to those that attended him in 1821.

I have no doubt but this disease was occasioned by the original wound received at Bridgewater, aggravated and rendered more severe by too early moving and exposures, and confirmed by his travelling from Buffalo to Sackett's Harbor in the month of November, 1814, during an unusual severity of weather.

AMASA TROWBRIDGE, M. D.,
*Late Surgeon United States Army.*

Sworn before me, March 5th, 1833.

WOOSTER SHERMAN,
*Commissioner, &c.*

STATE OF NEW YORK, }
*Jefferson county, Clerk's office,* } *ss.*

I, Peleg Burchard, clerk of said county, do certify that Wooster Sherman, Esq., before whom the within affidavit purports to have been sworn, was, on the date of the same, a commissioner, &c., in and for said county, commissioned and sworn, and duly authorized to take the same. And, further, that I am well acquainted with his handwriting, and verily believe his signature to the said affidavit is genuine. In testimony whereof, I have hereto set my hand, and affixed the seal of said county, this 5th of March, 1833.

P. BURCHARD, *Clerk.*

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No. 3.

I have no hesitation in expressing the opinion that the paralysis, and the chain of diseases that followed, and which prostrated the energies both of the mind and body of the late Major General J. Brown, may be fairly traced to the wound, as their source, which he received at the battle of Niagara, in 1814.

TH. LAWSON,
*Surgeon General, United States Army.*

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No. 4.

WASHINGTON, *January,* 1838.

I, the undersigned, Edmund Kirby, do hereby certify that I joined the military family of the late Major General Jacob Brown, in the capacity of aid de-camp, in March, 1819, and continued a member of his personal staff till August, 1824; and that subsequently, till his death, in February, 1828, I was in the habit of frequent intercourse with him. That, from a period shortly after I joined him, in 1819, till his death, I have reason to believe that I enjoyed his unreserved confidence. That, from 1819 to about September, 1821, I frequently heard him declare that, though apparently in the enjoyment of tolerably good health, he was in fact constantly suffering from a painful and troublesome disease, consequent upon his wounds received at Niagara the 25th July, 1814, aggravated and confirmed by premature exposure at the siege of Fort Erie in September, 1814, before they had healed; and that he was constantly under medical treatment.

On the evening of the 16th October, 1821, the General said to me that he had not felt so well for seven years; that he had just got rid of the bowel-complaint that had troubled him ever since the siege of Fort Erie. The next morning he received a severe paralytic shock, with which disease he struggled till the 24th February, 1828, when he died. It was the declared opinion of his attending physicians, and his own often-repeated conviction, that the derangement of his bowels was caused by his wounds and exposure in camp before they were healed, and that the sudden cessation of this established drain upon his system, in 1821, predisposed him to, and brought on, the paralysis which immediately ensued, and under which he ultimately (in 1828) sunk into the grave.

I have had frequent and full conversations with the General and with his physicians on this subject, and it is my unhesitating conviction that his days

were abridged by, and that his death may be distinctly traced for its cause, through the various stages of disease, to, the wounds received at Niagara in 1814.

E. KIRBY.

WASHINGTON CITY:

Personally appeared before the undersigned, a justice of the Supreme Court of the United States, Major E. Kirby, who, being duly sworn, states that the statements above are true. In witness whereof, I have hereto set my hand, this 4th January, 1837.

JOHN McLEAN.

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No. 5.

ALBANY, *November* 24, 1837.

MY DEAR SIR: I have received your favor of the 21st instant, and sincerely hope that Mrs. Brown's application for a pension may be successful.

My recollections of the malady with which Major General Brown was afflicted, after the war of 1812, are very distinct. I was, from March, 1819, to March, 1825, a member of his military family. Until the year 1821, he was constantly afflicted with a bowel-complaint, which he contracted, as I understood, during the siege of Fort Erie, in the year 1814, in consequence of his exposures and his return to active service before the wounds he received at Bridgewater were healed. I never had any doubt that this disease, and the series of paralytic attacks which succeeded it, and which terminated his life in 1828, were the result of his wounds and premature exposure before they were cured. The derangement of his health for so long a time was a frequent subject of conversation. It was uniformly ascribed by him to the causes referred to, and, so far as my recollection extends, this was also the unvarying opinion of his medical advisers.

I am, dear sir, truly yours,

JOHN A. DIX.

Major EDMUND KIRBY,
*United States Army.*

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No. 6.

JANUARY 5, 1838.

For several years previous to his death, I was very intimately acquainted with General Brown. Our intercourse was almost daily, and of the most friendly and confidential character. Neither of us felt any reserve, but expressed our opinions and feelings fully to each other; and, from what I have observed and heard him say, I can entertain no doubt that the wound he received in the public service was the cause of his premature dissolution. His subsequent exposure and active operations in the field may have aggravated his wound, and given it a fatal tendency; but that his death was eventually produced by the wound I have never doubted.

JOHN McLEAN.

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JOHN A. DIX.

Major Duncan Kenny,
United States Army.

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