

UNITED STATES OF AMERICA



FOUNDED 1836

WASHINGTON, D.C.

Eight months having elapsed, and my repeated applications for a Court of Inquiry not yet noticed by the proper Authority, I consider farther delay, injurious to my own character, and am most imperiously required, by every principle of honour and feeling of manliness, to give circulation to the following statement, coextensively with the President's animadversions upon my conduct, as promulgated in his Order of February 15th 1826. with a view to correct erroneous impressions and remove any undue prejudice that may have existed in consequence of said Order -

Paul Howard

Green Bay
Nov: 1st 1826

My Dear Mont
Capt Surgⁱⁿ U.S.A

CIRCULAR.

CONSIDERING my official reputation and moral character, egregiously and unjustly assailed, under General Orders of February 18, 1826, and believing the Heads of Departments to have been imposed upon by misrepresentations and total perversion of truth, I consider it due to myself and the Government, and *demande'd* by justice, to give an explanation, with a view to correct the abuse, and expose the imposition.

Silence under such circumstances, would be *cowardice*—and *submission, nam. ss. indeed*—suffering *falschood* and *error* to preponderate over *truth* and *correctness*, to the total subversion of good order and correct discipline, and entire destruction of military pride and laudible ambition.

In submitting the following statement, I am governed by the *inflexible* principles of truth—incited by a lively sense of self-respect—the good of the service, and regard for the Medical Department—disavowing every other feeling of prejudice, excitement or ill-will, than those inseparably connected, with just abhorrence of *falschood, dissimulation* and *roguery*.

Equal rights in a free Government, are due to all; justice in a Military Department, is at the disposal of a *few*. The first is my *birth-right* as an American—the last is due to me as an officer of the Army, upon the common principles of honor and rectitude. I claim them both, upon the fair and equitable grounds, that *every man* (military in particular) is entitled to a candid hearing, and careful investigation, before being *censured* or *condemned* for supposed offences and misconduct. I applied for a Court of Inquiry, on the receipt of the Order, to investigate my conduct. *Eight weeks* have elapsed, and I am without an answer; my feelings are not callous—I have yet sense of honor sufficient not to *rest easy* under the imputation of baseness and discredit; neither is my mind so warped by ill will, or so insensible to its own dignity, as to seek sly and silent revenge for its satisfaction; my reputation is dear to me—the wide spreading influence of that Order cannot be anticipated with indifference.

I ask a candid and patient perusal of this statement, every

part of which I will substantiate, if an opportunity be afforded me.

Single and unsupported, save by *truth* and *conscious rectitude*, I ask but to be heard—then judged by the merits of the case. I seek not the aid of *whining sympathy*, or *boisterous Advocates*. I offer *no borrowed documental influence* to support my cause; by the merits or demerits of my own conduct, I wish to *rise* or *fall* in the estimation of Government and the Heads of Departments.

It is presumed the Officers of the Army generally, have seen and read the President's remarks, under General Order No. 9, for 1826. in which my testimony before a Court Martial for the trial of Lt. E. B. Griswold, is severely censured—my character for truth and candor impeached, and my Disposition and Professional judgment implicated.

Whether the inferences drawn from the face of the records of the Court be correct, and warranted by the evidence thereon exhibited, I presume not to offer an opinion: but that the final conclusions, are as *unjust* as they are *severe*, I am able and ready to substantiate.

The character of the Court—the nature of the charges—the universal findings, and corresponding sentence of that Court, are sufficient justifications of my conduct, and ample protection to my character from general censure.

The circumstances of the case are minutely as follows:—Lt. E. B. Griswold, 2d Infantry, was brought to trial on the following (and other) charges, to wit:—

“Charge 4th—*Falsely reporting unfit for duty.*”

“SPECIFICATION—In this, that the said Lt. E. B. Griswold, did report himself to Asst. Surgeon William Beaumont, as *lame and unfit for duty*, and did go on the sick report, on or about the 4th of July, 1825, at Fort Niagara, when he was able to do his duty.”

To this charge and specification, I testified, that “on the evening of the 3d of July, 1825, Lt. Griswold came to my Quarters, and said, he wished I would look at his arm, and tell him if I thought he was fit to do his duty—if his arm was not too sore to wear his uniform coat. I examined it, and found the Orifice where I had bled him on the 21st of June, perfectly healed and sound, with neither swelling, inflama-

tion or the least appearance of soreness, and frankly told him *it appeared to be perfectly well*, and I did not think it could be sore. Lt. Griswold said in reply, he was never in better health in his life—that his arm did not hurt him unless he put on his uniform coat, which was tight—that he had no objection to doing his duty, if he could be permitted to do it without wearing his uniform; but if not, he would go on the sick report, and desired me to enter his name. I replied, that he was the best judge of his own sensations and the tightness of his coat, and asked him again if he insisted upon having his name entered on my report in the morning? He said “yes,” for he should not, or would not, go on duty the next day, or words to this effect, and soon left my Quarters, and never after complained of his arm. I entered his name on my report the next morning, at his own request, and upon his own responsibility.”

He was the same evening (3d) carousing at the Ferry-House near the public wharf, the greater part of the night. I saw him next morning, he made no complaint, nor said any thing about his arm; he gave a dinner party at his own Quarters the 4th of July, and entertained company, and in the afternoon joined a pleasure party on board the Steam-Boat Ontario, and passed up the Niagara river. I was on board the same time—saw him frequently—conversed with him—heard no complaint of any soreness of his arm, nor observed any impediment, or inconvenience in the use of it; he complained of the severe and rather unusual effects of the previous night’s dissipation. I saw him late that evening, but heard no complaint of lameness; next morning, the (5th) he went on duty, dressed in his uniform.

“Charge 3d—*Falsely reporting sick.*”

“SPECIFICATION—In this, that he the said Lt. E. B. Griswold, did falsely report himself sick, on or about the 6th day of July, 1825, at Fort Niagara, and did remain on the sick report for about two days from that time, and until he was stricken from it by the Asst. Surgeon.”

To this charge and specification, I testified, that “on the morning of the 6th of July, between 7 and 8 o’clock, Lt. Morris came to me and said Lt. Griswold wanted to see me at his Quarters. I asked him if Lieut. Griswold was sick;

he did not answer me directly, but said again that Lt. Griswold wanted to see me. I soon went over to Lt. Griswold's Quarters, and found him in bed—asked him what was the matter; he said he “*felt strangely, he could not tell how, he never felt so before.*” He did not complain of, or describe any particular symptoms of disease, or local *pains*—appeared to be considerably agitated and confused—a heavy sweat stood upon his forehead. I examined him, critically, upon the usual criterions, but could discover no symptoms of disease, his tongue was clean, his skin moist, his respiration free, his countenance ruddy, his eyes clear, his pulse regular as natural, with every corresponding indication of perfect health; under all these appearances, with the entire absence of every symptom of disease, I was induced to consider the cause of the perturbed state of his mind, which I verily and firmly believed to be a strong repugnance to rising so early in the morning as his duties and the regulations of the garrison required him to do, a consciousness of affected sickness and fear of detection.

Under these circumstances and impressions, I found I had an extremely delicate and disagreeable duty to perform; and to demonstrate the correctness of my belief, and enable me to form a final opinion, I resolved to prescribe a powerful dose of medicine for him, in the effect of which, if taken, as directed, there could be no mistake. I did so—prepared and left with him with directions, an *emetico cathartic*, of 15 or 20 grains of calomel, and 5 or 6 grains of *tarter emetic*. Whether he took the medicine as directed, I am unable to say, not staying to administer or see him take it. I visited him at his Quarters frequently in the course of the day, but discovered no effects of medicine upon him; I found him at each of my visits during the day, sitting at his table or window, reading or writing, appearing very comfortable and undisturbed. In the afternoon of the same day, about 3 or 4 o'clock, just after a shower, while the atmosphere was yet cloudy and damp, and the ground wet, I saw him out of his Quarters, walking about the garrison with no other protection from the weather than his usual apparel, which occasioned me to remark, “if Mr. Griswold had taken the medicine as I directed him that morning, he would

have swelled jaws and a sore mouth for his imprudence."— I visited him the next morning, (7,) saw no appearance of the operation of the medicine, nor discovered any effects from the exposure of the evening before, neither did he complain of any soreness of his throat or mouth. I enquired of him how he felt? He replied, "much the same as yesterday morning." I examined him as before, found his condition very similar to the morning previous, with the exception of the agitation. On the morning of the 8th, I visited him at the usual hour, and asked him the usual question, "how he felt?" He replied much as on the preceding morning. Being fully convinced from the preceding circumstances and observations, *that he was not then sick, neither had been since the 25th of June.* I immediately left his room, without making any suggestions to, or receiving any intimations from him of his *ability* or *inability* to do his duty, and without any remarks, struck him off my report, marked him *fit for duty*, and reported him to the commanding officer."

Here ended my testimony upon the facts contained in the 3d and 4th charges, confined entirely to circumstances set forth within the times specified, between the 2d and 9th of July, 1825, wholly unconnected with any thing previous or subsequent.

The following is the substance of Lieutenants Morris and Russell's testimony, alluding to circumstances, which transpired between the *21st and 30th of June*, (with which Lt. Griswold was not charged.)

Lt. Russell was called and sworn before the court, and the following questions put to him by Lt. Griswold—"Did you not see my arm, on or about the time specified—was it not sore, or did you not think it sore?" or words to that effect; to which Lt. Russell answered equivocally, in the affirmative, that he "saw his arm swollen and sore, sometime in the month of June or July, he could not tell positively which."

Lt. Morris was then called and testified, that "he saw Lt. Griswold's arm on or about the time specified, (near as he dare positively say) on the 5d of July—that he assisted in dressing it, and it was sore, and discharged white matter."

To elucidate, and reconcile these points of fact, as they

stand opposed in the mind of the President, it will be necessary to advert to circumstances which occurred two weeks previous to the time specified in said charges, to which Lieutenants Morris and Russell's testimony wholly alluded, to wit:

On the morning of the 21st of June, 1825, L. Griswold reported sick—I bled and gave him medicine, the effects of which, by the next day, were the complete removal of all the previous symptoms of disease, except a slight soreness of his arm, which he wished me to look at—I did so, and I believe, in the presence of Lt. Russell:—I found it a little swollen, slightly inflamed and sore, and directed him to apply a poultice—he did so: the next day I saw it again, in Lt. Morris' Quarters (he and Lt. Griswold quartering together)—it had suppurated at a small point, and discharged a little purulent white matter, and appeared very little sore. In a day or two after this, I saw it again, the swelling, inflammation, and discharge had entirely subsided, the small ulcer healed, and was then only a little tender, and I applied a small Adhesive plaster to prevent his cloths from irritating it.

On the 26th he reported for duty and went on officer of the day, dressed in his uniform, and complained no more of indisposition or soreness of his arm; neither did I know of any disqualification in him to perform his regular tours of duty, until the 1st or 2d of July, when I heard Lt. Russell murmuring about Lt. Griswold's evasion of duty, and asked me if he was on the the sick report; I answered him in the negative, and told him Lt. Griswold was well, and reported for duty on the 26th of June, and had not since complained to me of any indisposition. Lt. Russell then remarked that "it was hard he should have to perform Lt. Griswold's duty, go on every other day and be broken of his rest every other night, when Lt. G. was better able to perform his own duty than he was to do his."—I told him I had nothing to do with their difficulties; Lt. Griswold was neither reported sick or lame, and he must seek a remedy from some other than the medical Department.

Lt. Russell continued to murmur until the 3d of July, when his patience became exhausted, and considering himself imposed upon, no doubt by Lt. Griswold's evasion of duty, he

officially complained to the commanding officer, who in consequence of his complaint, sent for Lt. Griswold, and told him he must either do his duty, or report to the surgeon.— This order of the commanding officer quieted the complaints of Lt. Russell, and drove Lt. Griswold to the dernier resort of seeking shelter from an impending arrest, under cover of the sick report, and accordingly, on the evening of the 3d of July, he reported himself to me, as *lame and unfit for duty*, as stated in my testimony on the 4th charge; caroused the greater part of the same night at the Ferry-house— had a dinner party on the 4th—went to duty on the 5th; but, on the morning of the 6th, after having been twice sent for by his commanding officer, to attend to his duty of drilling the company, and having at each time refused obedience to the order, he sent for me, and reported himself sick, as stated in my testimony upon the 3d charge and specification.

Reduced to this dilemma, Lt. Griswold had but two alternatives left, either to admit the imposition and go to duty, or successfully persevere in the game of deception he had been playing—too wilfully obstinate for the first, and thinking himself capable, perhaps, of the last, he renewed his efforts, and made an unsuccessful attempt.

Resolved never to be made the tacit medium of deception, nor the convenient organ of official falsehood, I determined neither to let the case pass unnoticed, or waive my duty of making a correct report to the commanding officer.

Viewing this case as novel and unprecedented,—artfully calculated to evade proof, and requiring more than ordinary means and management for detection. I consulted my *duty* to government and my professional character *only* and at once resolved upon the course to be pursued, fully aware of the delicacy and difficulties of deciding judiciously, upon the first case of *feigned sickness in an officer*, that had ever occurred within the sphere of my official duty. I assumed the responsibility—considered the case—adopted my plan of treatment, which was to soothe his agitation—threw him off his guard by *affecting* to believe his declaration: prescribing at the same time an *emético cathartic*, of well-known infallible and decided effects, when taken. The first, in two minutes completely removed his agitation, which

was the *single*, and *only* apparent deviation from perfect and tranquil health: the medicine, I left with him, to take at discretion, should his *non-descript-sensations* continue, which, *by the bye*, never after happened to be observable, until the time of his trial; the medicine, I am confident, was not taken, its effects never having been, in the least visible, upon close observation for two days.

Having conscientiously discharged my duty to government and Lt. Griswold on the morning of the 8th of July, I had no more to do with his official conduct. Whether he went to the office and *saw*, or was *informed* of my report, or, judging from my last visit, that his situation was not tenable with impunity; is best known to himself: sufficient be it for the occasion— he resumed his salutiferous faculties— dressed himself, and went on duty, immediately after I had sent in my morning report, and never after, while at this post, exhibited the least indisposition to my knowledge or belief, until the time of his trial.

Whether the plan adopted, either in a moral, or professional point of view, be justifiable or not, I leave for medical men, and candid judges to decide: it was *salutary*, and had the intended effect of returning L. Griswold to his duty without prejudice to his health or constitution; neither is it of very great moment with me, whether a successful experiment be of *less* or *more* than doubtful propriety, that speedily restores a soldier from the *sick report*, to the effective service of the government, be he *private*, *non com: or commissionea officer*; neither do I think it of very great consequence, whether it be done *secundum artem*, *secundum naturam*, or, *terrorem*, provided it be *well-done*.

It may not be amiss here to remark, that so far from having administered a medicine of violent operation to a man whom I then believed, (and have ever since,) to be in *full health*, I neither required Lt. Griswold *to take*—believed he *did take* or had any *intention of taking* the medicine left with him; but, on the contrary, believed he studied to deceive by *pretending* to have taken it, and then representing its effects; it was *impossible to prove* he *did not* feel those *strange inscribable sensations*; but I know he could not disguise the effects of the medicine, if taken—with this view

I prescribed the *colomel* and *emetic tartar*; neither was he receiving my professional advice, in as much as I had offered him none, either medical or political—therefore it must have been *close observation* and my *Morning Report of the 8th of July*, that tested his *disposition* and the *insincerity* of his complaints.

And no consideration can ever warp my mind from its fixed principles of acting honestly and independently in the discharge of its relative duties—Should I again, an hundred times, be placed in a similar situation, I would do, as in this case I have done; fearless of *censure, reproach, or temporary discredit*—regarding far more the sanctity of an oath, than either the *applause* or *disapprobation* of the highest earthly tribunal—considering *Integrity, Faithfulness* and *Fidelity* to my *God, my Conscience* and my *Country*, paramount to every other consideration.

My testimony was confined to facts that transpired between the 2d and 9th of July, *and no other*—was made upon the firm basis of truth, accurately identified with time and circumstances mentioned in the 3d and 4th Charges, with a perfect recollection of facts, corroborated by the Morning Reports of the Garrison--needing not the aid of fortuitous events, and equivocal memory to substantiate it.

Lt. Russel swore to facts which occurred *only* between the 21st and 26th of June; but did not identify exact time, not even the month.

Lt. Morris testified to the same facts with Lt. Russell, and *presumed* to identify time with the 3d & 4th of July, although they could not then exist; Lt. Griswold's arm not having been sore subsequently to the 26th of June; he assisted Lt. Griswold in dressing his arm, between the 21st and 26th June—saw him daily in full health, from this time forward, was his companion on the night of the 3d of July at the Ferry-house, and co-partner in his festivities of the 4th.

Lt. Russell saw Lt. Griswold's arm swollen and sore on the 22d or 23d of June, became dissatisfied with his evasion of duty, about the 29th or 30th; openly expressed his dissatisfaction to me, on the 1st or 2d of July; and made an official complaint of it to the commanding officer on the 3d; all of which circumstances were distinguished items of

events at the time; the most prominent points of Lt. Griswold's aggressions of which Lt. Russell was the discoverer and first complainant, and conspicuous in the recollection of all concerned, except Lieutenants Russell and Morris.

Treacherous indeed must have been their memories, who could not have readily distinguished between the healthful enjoyments, & festive associations of a convivial scene, on the 4th of July, and the more grave and sober acts of sympathetic kindness, bestowed upon a friend, on the 22d and 23d of June, & still more truant & pitiable his recollection, who, after having *officially complained of specific grievances and impositions* on 3d of July, should forget *that time*, and the occurrence of the *very cause*, which induced him to *make that complaint*, viz: *Lt. Griswold's evasion of duty between the 26th and 30th of June.*

Yet, from the *strangely defective recollection* and *extraordinary, extraneous testimony*, made to preponderate (tho' it did not even refer to the *facts*, or *time* specified in said charges)—my professional *opinion* was shaken, my *conduct*, as a witness, and my *disposition* as a medical adviser, severely animadverted upon by the President of the United States, by whose *Veto*, and a few waves of his pen, the sentence of an honourable Court-Martial is made *void*, and my *reputation stigmatized*, throughout the army, without prospects of *extenuation* or *retrieve*; but by the aid of *lenient charity*, or through the more honorable medium of *official reconsideration*: I have respectfully claimed the last.

Amos Beaumont

Asst. Surg'n. U. S. A.

Fort Niagara, N. Y. May 8, 1826.

