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William Marshall.

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WILLIAM MARSHALL.

MARCH 5, 1846.

Read, and laid upon the table.

Mr. GORDON, from the Committee of Claims, made the following

REPORT :

The Committee of Claims, to whom was referred the petition of William Marshall, report :

The petitioner claims that, in 1834, he was acting under an appointment from the government as agent for the Miami and Pottawatomie Indians of Indiana, and was acting as such agent at the time of the payment of the annuities to said Indians in 1834, by Captain Taylor, the paymaster. The Indians assembled to receive their pay, and the paymaster proceeded to count the money, when it was ascertained that there was a deficit to the amount of \$1,300. Upon ascertaining the deficit, the Indians became dissatisfied, and refused to receive the amount Captain Taylor was prepared to pay them. In this state of the transaction, the petitioner avers that he promised the Indians that if they would receive what the paymaster was prepared to pay them, he, the petitioner, would see that they were paid the \$1,300. He claims that he afterwards paid the \$1,300 to the Indians, and calls on Congress for relief. The proof is deficient. It does not establish the fact of payment. Besides, he had no authority from the government to make the payment; he was not paymaster. It seems from the papers before the committee, the government ordered this same amount to be paid to these Indians in 1836, and the committee have no doubt it was paid by the agent of the government to whom the order was issued, and who was provided with the means of paying it.

The petitioner also claims \$800 due him, he says, for presents made to the Miami Indians in 1834. This claim is not sustained by proof. The presumption is, that if he made presents to the Indians, of which, however, there is no sufficient proof, they were provided by the government. An Indian agent should not tamper with the Indians in the making of treaties, and the payment of annuities, by making them presents not authorized and provided by the government. Such a practice would open the door to innumerable frauds. If it ever existed, it must have originated in selfish motives.

He also claims \$176 for 22 days' services as commissioner on the part of the United States, to effect a negotiation with the Miami tribe of Indians for the purchase of their land. There is also a want of proof to sustain this claim. The abstract of expenditures and the vouchers show

it paid. The charge for 20 days' services in 1834, and the charge for 22 days' services in 1835, appear to be the same. Both charges are receipted. The petitioner is the only person who says that the services were performed.

On the whole, the committee have come to the conclusion that the petitioner is not entitled to relief, and offer the following resolution :

Resolved, That neither item of the claim ought to be allowed.

To the honorable the Senate and House of Representatives in Congress assembled :

The undersigned, your petitioner, represents to your body :

That, in the year 1834, and long previous to that time, he was acting under an appointment from the government as agent for the Miami and Pottawatomie Indians of Indiana ; that he was such agent at the time of the payment of the annuities to said Indians, in the year 1834, by Captain Taylor, the paymaster ; that at said payment, the Indians, as is their custom, assembled in the aggregate to receive their pay, and the paymaster proceeded to count the money, upon which it was ascertained that there was a deficit to the amount of \$1,300, and the Indians could not receive the annuity by that sum less the sum due them. Upon ascertaining this fact, the Indians became greatly dissatisfied, and actually refused to receive the amount Captain Taylor was prepared to pay them. In this state of the matter, knowing that it was very important to maintain the integrity of the government, and to leave no ground of complaint as such agent, your petitioner promised the chiefs to pay them the balance due them—that is, \$1,300 ; and upon this promise induced them to receive the amount Captain Taylor had for them, and to depart quietly to their hunting grounds. Your petitioner then proceeded to borrow the said sum (\$1,300) due them, and paid it over as the chiefs directed. For the cause as well as the fact of this deficit, your petitioner begs leave respectfully to refer you to the report of Captain Taylor, paymaster of the said Indians for that year, as well as a letter from C. A. Harris, Commissioner of Indian Affairs, to the Hon. William Hendricks ; and for the evidence that the same was paid at the request of the chiefs, your petitioner begs leave, also, to refer you to the vouchers marked —, and the letters of C. Vigus and W. Ewing and P. Brown.

Your petitioner further represents to your honorable body, that he was the commissioner on behalf of the government, and made the treaty of 1834, called Marshall's treaty, with the Miami Indians of Indiana, which was objected to by President Jackson, and sent to your petitioner to have it amended. Before it was amended by the Senate, and in its amended form ordered by the government to be presented to the Indians, your petitioner was charged with that duty, and was 22 days engaged in that service at his own expense ; for which, agreeably to customary allowances, he was entitled to receive \$176. For the evidence of this service and charge, your petitioner begs leave to refer you to the vouchers herewith transmitted on that subject.

Your petitioner would further most respectfully represent, that during the time of the treaty and payment of 1834, to which he has before referred, and while he was acting as such agent for the purpose of procuring the Indians to treat, and to ratify the same, and in accordance with the custom of his predecessors and others, as commissioners—a practice of universal observance, and long sanctioned on the part of the government—he procured and made presents to the Indians to the value of \$800. For the vouchers to sustain this charge, he begs leave to refer to the report of N. West, esq., the commissioner for investigating claims against the Miamies for 1837 and 1838, and the documents on that subject, as well as for the reasons why it was not allowed.

Your petitioner, therefore, begs leave to say that the several amounts enumerated, nor any part of them, have ever been paid to him by the government, or any person; but the said sums of \$1,300, \$800, and \$176, are severally due and owing to him from the government upon every principle of justice and equity, as he verily believes, and therefore prays Congress to grant the relief justice requires, and the character of Congress insures; and, as in duty, your petitioner will ever pray, &c.

STATE OF INDIANA, ss:

Personally appeared before me, Charles Dewey, one of the judges of the supreme court of the State of Indiana, William Marshall, and made oath that the facts stated in the within petition, by him subscribed, so far as the same depend upon his personal knowledge, are true; and so far as they depend upon information derived from others, he believes them to be true.

CHARLES DEWEY.

DECEMBER 20, 1844.

INDIANAPOLIS, *December 18, 1844.*

DEAR SIR: I send you herewith my petition to Congress for money paid by me to the Indians of Indiana during my agency for the general government, for which I have not received the first cent. The documents and vouchers in proof of my claims, you will find in the office of the Secretary of the Senate; and you will see, by referring to a letter from the Hon. W. Hendricks to me on that subject, and from my petition and papers, that I have been shamefully wronged out of my hard-earned money.

In the year 1834, Captain Taylor, of the United States army, was sent to Indiana to pay the Indians of Indiana their annuities. In counting out the money due the Pottawatomies of Indiana, he found he fell short of the amount due them \$1,300. On making this known to the Indians, they positively refused to receive the amount he had for them, unless they could get the whole amount, and that they would have immediately, for they were sorry they had sold their land to their great father the President; and if he could not pay them, they would take the land back, and were much dissatisfied. Finally, they agreed if I would become responsible to them or their creditors for the \$1,300. the deficit, they would receive the amount Captain Taylor had for them; and, as the Indian department were then making an effort to get them to go west, in accordance with one of the treaty stipulations, and fearful it might be a pretext for the traders to detain them, I agreed to pay the deficit (\$1,300) over to the chiefs or

creditors, as the chiefs might direct. In a few days after the Indians had received the amount Captain Taylor had for them, and they had dispersed from the payment ground, I returned to Logansport, to the agency quarters, and borrowed the money, and paid it over as the Indians had directed me, as you will see from the letters of C. Vigus, W. Ewing, B. Brown, and voucher marked C, I think. As these papers have been some time at Washington, I do not now recollect them, and have left a blank in my petition for you to fill up when you see the papers. Mr. B. Brown's deposition I send on with the letter and petition.

The reason why this matter has been delayed, in the first place, is, that General Tipton took on all the documents and vouchers in the winter of 1834, and lost them. I then had to get other vouchers, and he took them on again, and deposited them in the Indian department, and tried to have them settled there. In that matter, he failed. The next session the Hon. W. Hendricks laid them before the Senate Committee on Indian Affairs, and they have laid in that situation ever since; for I had no person in Congress to attend to them for me.

The Indian department acknowledge that my claim is just, but could not see how they could interfere, as you will see from the letter of the Commissioner of Indian Affairs to the Hon. W. Hendricks.

It is also true they wrote me that I had better attend the Pottawatomie payment, and present my claim to the Indians. I left the agency in 1835, and they wrote me to attend the payment in 1836. At the time I received the letter, I was confined to my room with the rheumatism, and remained so for nine months after—not able to get out of my house. Neither did they inform me of the time or place where the payment was to be made. I also thought it a little strange, after paying the money for the government, to fill one of its contracts, that I should be compelled to call on the Indians for my money, when they could have deducted the amount from the Indians' pay that year, and paid it over to me, as the department agrees that the money was missent, as you will see from the Commissioner's letter to Governor Hendricks.

On reading my petition, you will see that there is due me by the government \$800 for presents made to the Miami Indians in the year 1834. I made a treaty with the Miami Indians for a part of their large reserve, and, as customary, I had to give them presents, after agreeing on the terms, before they would sign the papers. For vouchers, you will please see Mr. N. West's report on that subject. You will find the report, I presume, in the office of the Commissioner of Indian Affairs. My account for services as commissioner to amend the treaty I made with the Indians, to suit the views of President Jackson, you will find in the office of the Secretary of the Senate. I can only say, in apology, that I am sorry I have to trouble you so much; but be assured, should an opportunity occur, your goodness shall not be forgotten.

I am, sir, your humble servant,

WILLIAM MARSHALL.

P. S.—Should any further explanation be wanting, please write me at Rockford, Jackson county, Indiana.

STATE OF INDIANA, ss :

Be it remembered, that, on this 21st of December, 1844, before me, the undersigned, one of the judges of the supreme court of said State, personally appeared Basil Brown, of Indianapolis, who, being by me duly sworn, deposes and says, that, in November, 1834, he was present at the payment of the annuities of the Pottawatomie Indians of Indiana, at the Pottawatomie mills, by Captain Taylor, the paymaster; that this deponent, at the request of Captain Taylor, assisted in counting the money which had been sent on there by the general government to make said payment; that, upon counting the money, it was found that the same fell short \$1,300 of the whole amount due said Indians; that Captain Taylor then proposed to the Indians to receive the money which he there had, and stated that he would pay them the balance at a future day; that the Indians positively refused to accede to that proposition, and said they would have all the money or none, and were actually about leaving the ground; that General Marshall, then Indian agent, prevailed upon the Indians to receive the money which Captain Taylor had for them, on condition that he, Marshall, would undertake to pay the balance shortly to such persons as the Indian chiefs should direct; that the Indians, upon the promise of General Marshall to pay the balance of \$1,300 in a short time as aforesaid, received of Captain Taylor their payment of the annuities, except the said \$1,300; that deponent, at the time of this transaction, heard Peter Langley, who lived near Logansport, promise General Marshall to advance him the \$1,300 for a few days, to pay as before mentioned, and that he directly afterwards understood at Logansport that General Marshall so borrowed the \$1,300 of Langley; that, in a short time afterwards, General Marshall, with this deponent as one of his endorsers, borrowed of the branch bank at Indianapolis the sum of \$1,300, to repay the amount borrowed of Langley as aforesaid; that this deponent understood, at the time Langley lent said money to General Marshall, that he (Marshall) immediately paid the same, to wit, \$1,300, to the creditors of the Indians, according to the directions of the Indians, and, in fact, he heard one of those creditors say that he had received the amount of his claim from General Marshall.

Sworn to on the day aforesaid before me, judge as aforesaid.

ISAAC BLACKFORD.

Abstract of expenditures made by William Marshall, commissioner on the part of the United States at the negotiation held with the Miami tribe of Indians, in October, 1834.

Dates.	No. of vouchers.	Names.	Nature of expenditure.	Amount.
1834.	1	William Marshall	Services as commissioner -	\$160
	2	A. Hamilton	Services as secretary to commissioner -	100
	4	P. Lafalliem	Boarding commissioner's secretary and interpreter -	60
			Amount paid to Gen. Tipton	320

The United States to William Marshall,

Dr.

For my services as commissioner on the part of the United States to effect a negotiation with the Miami tribe of Indians for the purchase of their lands, 20 days, at \$8 per day - - - \$160

FORKS OF THE WABASH, INDIANA,
October 30, 1834.

Received of the United States \$160 in full of the above account.

WILLIAM MARSHALL, *Commissioner.*

The United States to Allen Hamilton,

Dr.

For 20 days' services rendered as secretary to William Marshall, commissioner on the part of the United States and the Miami tribe of Indians, at \$5 per day - - - - - \$100

INDIAN AGENCY, INDIANA, *November, 1834.*

Received of William Marshall, commissioner of the United States to hold a treaty with the Miami Indians, \$100 in full of the above account. Signed duplicates.

ALLEN HAMILTON.

The United States to William Marshall,

Dr.

For my services as commissioner on the part of the United States to effect a negotiation with the Miami Indians for the purchase of their lands, 22 days, at \$8 per day - - - - - \$176

DECEMBER, 1835.

Received of the United States \$176 in full of the above account.

WILLIAM MARSHALL,

Commissioner on the part of the United States.

I certify that I was 22 days with the Miami Indians at their different towns and hunting grounds during the summer and winter of 1835, as commissioner on the part of the United States to effect a treaty with them for their land, for which I have received no compensation.

WILLIAM MARSHALL.

The United States to P. Lafalliem,

Dr.

To boarding William Marshall, commissioner of the United States to negotiate with the Miami tribe of Indians, 20 days, at \$1 per day - - - - - \$20
 To boarding Allen Hamilton, secretary to commissioner, 20 days, at \$1 per day - - - - - 20
 To boarding Peter Langley, interpreter to commissioner, 20 days, at \$1 per day - - - - - 20

60

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FORKS OF THE WABASH, INDIANA,

October 28, 1834.

Received of William Marshall, commissioner of the United States, \$60 in full of the above account. Duplicate.

P. LAFALLIEM, his \times mark.

Test: J. B. DRERIT.

TREASURY DEPARTMENT,
Second Auditor's Office, January 9, 1837.

SIR: In answer to your letter of the 7th instant, I have the honor to state that the accounts of William Marshall, late agent of Indian affairs, have been examined in this office, and that no compensation for his services, &c., as commissioner in negotiating a treaty with the Miamies in 1834, and attempting to modify the same in 1835, has been allowed him. The per diem charged in vouchers Nos. 1, 2, and 3, is the same that is usually allowed to commissioners and their secretaries.

The vouchers (four in number) amounting to \$496, are herewith returned.

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

W. B. LEWIS.

Hon. WILLIAM HENDRICKS,
United States Senate.

DEPARTMENT OF WAR,
Office Indian Affairs, January 11, 1837.

SIR: I have had the honor to receive your letter of the 7th instant, in relation to a claim of General William Marshall, late Indian agent, for advances made by him on account of the annuities due to a portion of the Pottawatomies of Indiana, in the year 1834, and asking if he can be remunerated by the department.

It appears by the records of this office, which have been examined, that in the year 1834, when a division of the annuities was made for remittance and payment, an over-proportion was allotted to the Pottawatomies residing within the Chicago agency, and remitted to Major Whiting, disbursing agent, to be paid to them with other annuities; and before the period of payment arrived, the error was discovered, and instructions sent to retain the sum of \$1,300, and pay it over to the agent authorized to disburse in Indiana. By some misapprehension of the instructions, nothing was done in relation to it until some time after, when, on settlement of Major Whiting's account, it was ascertained from a certificate filed among his vouchers, that the \$1,300 had been deposited in the State Bank of Indiana, to the credit of Captain Simonton, on the 16th of July last; the certificate was withdrawn from among the vouchers, and placed in the hands of the agent selected to make the payments in 1836, with instructions to pay it with the annuities for that year, as the sum remaining due to them on account of 1834.

It is true that between the periods of paying the annuities in 1834 and 1836, the department was reminded of General Marshall's liabilities for

the Indians; and in 1836, sundry papers connected with the claim were submitted, but it was not seen how the department could interfere in the matter, it not having authorized or sanctioned the transaction, nor could it do so under the regulations by which it was governed.

In July last, a letter was written to General Marshall on the subject, and one to Colonel Pepper, the acting agent for the Indians of Indiana, copies of which I enclose herewith. These, together with what I have stated, it is believed, exhibit a true state of the case about which you ask information, and is all that can be furnished.

Very respectfully, your obedient servant,

C. A. HARRIS, *Commissioner.*

Hon. WILLIAM HENDRICKS,
Senate United States.

The undersigned, lately Indian agent at Logansport, Indiana, declares that in the year 1834, he made, and caused and procured to be made, upon his responsibility, advances to the Indians belonging to his agency, in all to the amount of \$1,300; that these advances were made under the influence of a strong necessity, resulting from a deficit in the amount of funds placed at his disposal by the government, to meet the proper demands of the Indians of his agency, which deficit, he is informed, and believes, was occasioned by an allotment of an over-proportion of funds to the amount above named, to the Chicago agency; that he is unable, at present, to state an account of items of the said advances, for the reason that the memoranda thereof are at his residence, remote from his present location at Indianapolis, at which place his duty, as a member of the legislature of Indiana, requires him to remain for a time; that, so far as he procured a portion of said advances to be made, the same were made upon his personal liability, and he has liquidated the same; that, in making the said advances, he was solely influenced by a desire to secure the confidence of the Indians for the government, with the view to aid the making of treaties upon fair terms, and by the contemplation of the pressing wants of the Indians, resulting from their habitual improvidence.

WILLIAM MARSHALL.

JANUARY 23, 1837.

INDIANA, *to wit:*

On the 23d day of January, 1837, before the undersigned, president judge of the fifth judicial circuit in said State, personally appeared William Marshall, known to me as late Indian agent, as is in the above declaration stated, and, being by me sworn, doth upon his oath declare that the facts stated in said declaration are true in substance and in fact.

WILLIAM W. WICK.

LOGANSPORT, *January 26, 1837.*

DEAR SIR: Your letter has been duly received. Major Hurst is at Peru. I forwarded the letter addressed to him immediately by a safe

hand, which I presume he will, of course, attend to. I addressed him a few lines, telling him to attend to the contents as soon as possible, myself.

As regards the business you wrote to me on, I will give you a fair and candid statement as far as I can recollect. In the fall of 1833, at the payment made to the Pottawatomie tribe of Indians, by Captain Taylor, paymaster at that time, there was a deficit or lack of some \$1,300 to complete the payment to the Indians; and, if I recollect right, that you pledged yourself to the chiefs of the nation that you would see them paid, and I presume did so, as I have never heard any complaint from the Indians concerning their pay since.

Respectfully, yours,

CYRUS VIGUS.

Gen. W. MARSHALL.

LOGANSPOBT, *February 1, 1837.*

DEAR SIR: Having been called on for a statement concerning a deficit in the moneys due the Pottawatomie Indians in 1834, payment made by Captain Taylor, of the United States army, so far as came to my knowledge, I will give the facts. In counting out the money to the chiefs of the nation, there was a lack of some \$1,300; and, to satisfy the chiefs, General W. Marshall, the then acting agent, promised the chiefs that he would see them paid, and I presume he did so, as I have not heard any thing to the contrary, or dissatisfaction among the chiefs since on that score. There is one thing certain—that General Marshall impoverished himself by paying debts for the Indians, or at least became embarrassed in circumstances while agent, and I have no doubt that it was because he paid out money, and paid many debts for the Indians out of his own private purse. I believe General Marshall's claim is a correct one, and he ought to be paid his money back.

W. Hendricks' respects to General Tipton, and sends the enclosed paragraph of a letter from Cyrus Vigus on General Marshall's claim, now before the Committee on Indian Affairs. Mr. Vigus, as is known to General Tipton, is a man whose statements may be implicitly relied on.

FEBRUARY 13, 1837.

True copies from the original papers on file in the office of the Secretary of the Senate of the United States.

Attest: ASBURY DICKINS, *Secretary.*