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Indiana Militia.

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Recommended Citation

H.R. Rep. No. 465, 25th Cong., 2nd Sess. (1838)

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INDIANA MILITIA.

[To accompany bill H. R. No. 469.]

JANUARY 25, 1838.

Mr. WHITTLESEY, of Ohio, from the Committee of Claims, made the following

REPORT:

The Committee of Claims, to which was referred the claim of three companies of Indiana militia for their services in protecting certain Indians, and others, near the Tippecanoe river, on the 19th of September, 1836, report:

That this claim was examined at the 2d session of the 24th Congress, and a bill was reported on the 8th of February, 1837. It was not reached during the session. The claim has been again examined, and the former report and bill are again presented to the favorable action of the House.

FEBRUARY 8, 1837.

The Committee of Claims, to which was referred the claim of three companies of Indiana militia for their services in protecting certain Indians, and others, near the Tippecanoe river, on the 19th of September, 1836, report:

That it appears from a report made to the Secretary of War in October last, by Mr. Pepper, Indian agent, that a meeting of Pottawatamies was held on the 19th of September last, at a place designated, near the Tippecanoe river, in Indiana, to receive their annuities. At that assemblage, for certain causes mentioned in the report, it became necessary, to preserve the peace and to protect certain Indians and others, to call out three companies of militia. The muster-rolls state they were on duty seven days.

The requisition of the Indian agent on Colonel Ewing, and his orders to the commandants of the companies, are among the papers, and appear to be regular.

The Indians having been assembled under a treaty with the United States, it appears to the committee that they, with all other persons necessarily employed, were to be protected at the expense of the United States.

Relying on the report of Mr. Pepper for a correct statement of the facts, the committee think the exigency authorized the agent to call out a suitable military force ; and it appears that the force so called out was not disproportioned to the occasion.

The Secretary of War furnished the committee with all the papers in his possession relative to the claims presented. Among the papers are three muster-rolls, and various bills for forage, victuals at taverns, and other expenses. The bills amount to \$878 89.

The committee think, when troops are called into the service of the United States, whether for long or short periods, their pay and allowances should be regulated by existing laws. If they incur extraordinary expenses at taverns, such expenses are not to be allowed against the United States. The committee, therefore, disallow the bills, with the exception of two of them. One of them is for ammunition and for cleaning guns ; and the other is for money paid for expresses and for ammunition. In the last bill, ammunition and provisions are blended in the same item.

The committee recommend that \$103 87, the amount of these bills, be appropriated, leaving it to the proper officer to pay so much as he shall think right for ammunition, cleaning of guns, (if that is a proper charge,) and for sending expresses.

They sent the muster-rolls to the Paymaster General for his estimates for the pay of the officers and men. They amount to \$785 75 ; for which, and the expenses mentioned above, the committee report a bill.

INDIAN AGENCY,

Logansport, October, 1836.

SIR : I have the honor to report that, on the 19th day of September, 1836, the Pottawatamies of the Indian agency assembled at the place designated, near the Tippecanoe river, to receive their annuity. There were also on the ground about 300 northern Indians belonging to the Chicago agency, some of whom had been with the Wabash Indians all summer, and who had been encouraged by that portion of Catholic Indians opposed to emigration to settle and live upon their reserves. These northern and Catholic Indians, headed and advised, as I have great reason to believe, by some white men, insisted that the annuity should be divided amongst the whole number of Indians on the ground ; that the proper chiefs of the Wabash Pottawatamies should sell no more land, but reserve what they had for the common use of all. The proper chiefs insisted that the annuity should be paid to the Indians of this agency only ; that they had a right to sell all the land belonging to the Pottawatamies in Indiana, and to dispose of the proceeds as they might think proper. The above conflicting views were subjects of frequent and angry debate among the Indians, before any council was called. I determined that this would be a favorable opportunity to lay before the chiefs the propositions embraced in your instructions of January, 1836. I therefore assembled them in council ; had a full and free interchange of opinions with them ; urged them, in mild but strong terms, to accept

of the invitation of their Great Father to sell all their reserves, and to remove to their country west of the Mississippi.

They replied, that their Great Father had always given them good advice; that they had listened well to his advice for many years, and that they had become convinced that they could not stay much longer in this country; they would, therefore, accept the good advice of their Great Father, and were now ready to sign a treaty for all their remaining land. But, they said, there were many disaffected men among their own people, as well as among the northern Indians, who threatened to kill the chiefs, if they sold the land; and that, if they did sell, they should look to their Great Father to protect them from the execution of these threats.

They were told that they should be protected; that the man who raised his hand to strike a chief, for exercising the duties and powers of his office, should be deemed an enemy to the Government, and would be pursued, overtaken, and punished, if he ran as far as the west side of the great river. With this assurance the chiefs signed the treaty, and, for a short time, there appeared to be less excitement and discontent than before.

On the 24th of September, the Indians were called in council to determine in what manner they would receive their annuity. When the council assembled, the Wabash Pottawatamies were invited to take their seats together and consult; but one or two of the chiefs seated themselves on the opposite side, with the Chicago Indians, and seemed determined to confound the councils of the proper tribe. I advised the Chicago Indians to leave the ground; assuring them they could receive no portion of the present annuity.

Captain Simonton told the Indians he would protect them, while the payment was being made, if he were compelled to send to Chicago for troops.

The Chicago Indians, and some of the disaffected Indians of this agency, immediately raised an impudent shout, mounted their horses, and left the council. The Wabash Indians then continued the council, and informed Captain Simonton that they had decided that the whole annuity for lands formerly sold, and recently ceded, should be paid to the chiefs, and receipted for by them.

The chiefs informed Captain Simonton and myself, in open council, that they intended to apply a part of their money to the payment of their debts; and that they had appointed two persons, viz: Colonel George W. Ewing and Cyrus Taber, to investigate the claims against their tribe, and to assist them in counting and distributing their money. On the following day, in conformity to law and the above decision of the Indians, Captain Simonton paid and delivered the money to the chiefs, and took their receipts. Captain Simonton and myself now supposed that we had no other duty to perform than to protect the Indians a sufficient length of time to enable them to distribute the money according to their wishes; and, to afford them such protection, Captain Simonton had selected and employed twenty men, who were placed under the command of Major Andrews, with instructions to prevent the distribution of whiskey to the Indians, to preserve order, and to protect the house in which the money was deposited.

Soon after the two persons appointed by the Indians, as above stated, commenced counting money in the house, the crowd out of doors complained; alleging that, as the commissioners appointed had claims to a very large amount against the Indians, justice would not be done to minor claimants; the tumult increased, and at last a rush was made to the front of the money-house, by claimants and others, who pushed the guard aside, and demanded that the commissioners appointed by the Indians should be turned out, and others appointed in their stead.

Another party of white men insisted that the commissioners should not be interrupted. At the same time, the disaffected Indians, with some white men at their head, assailed the house in the rear, and called aloud to each other to *pull down the house*, and scatter the money to the Indians. Captain Simonton and myself had been at dinner, and, when the disturbance arose, were some one hundred yards distant from the scene. I arrived in time to hear the language above stated, and immediately attempted to clamber on the top of a cabin adjoining the one in which the money was deposited; and, while accomplishing this object, one of the logs of the money-house was forcibly pulled down. As soon as I reached the top of the house, I called the attention of the crowd, harangued them at some length, advising them to desist from the perpetration of lawless acts, and unite in restoring peace.

The angry excitement in the mean time somewhat abated, and a proposition was made, and agreed to by the crowd, that Captain Simonton and myself should adjust the claims against the Indians, and pay out the money. But, not having the sanction of law, nor instructions from the Government to interfere in any manner, with the settlement of common debts against the Indians, we declined the charge.

A proposition was then made that we should select disinterested persons as commissioners to perform the duty. This we consented to do, provided the chiefs in whose hands the money had been legally placed requested it. They were consulted, and did so request; whereupon Captain Simonton and myself selected William Polke, Ebenezer Ward, Robert B. Stevenson, Edward V. Cicott, Benjamin Burthelett, and Daniel D. Pratt, to assist the chiefs in adjusting the claims against the Indians, and to apply part of the annuity to the payment thereof, and distribute the balance to the heads of families.

Some delay was unavoidable in selecting and bringing together the above-named gentlemen, one of whom was distant thirty miles from the ground.

The disbursing agent and myself, at the request of the Indians, consented to take charge of the money until the commissioners could be assembled. At this stage of the business, the chiefs were apparently much alarmed; (an Indian will not *say* he is afraid.) They reminded me that protection had been promised; said that a council had been held by the disaffected Indians, and that a man had been appointed to kill certain chiefs designated to the council. There was, indeed, great reason to fear that these threats would be carried into execution, and that the angry excitement that prevailed among the claimants would be renewed whenever the newly selected commissioners commenced investigating and paying their claims.

These well-founded apprehensions forced my mind to the conclusion

that justice to the Indians, and a proper respect for the laws, demanded the presence of an adequate military force to suppress the lawless spirit that prevailed in the camp, and to preserve peace and good order during the further progress of the business. I consulted Captain Simonton, whose views corresponded with mine, and despatched an express to the settlement, with a requisition for three companies of militia. In consequence of the requisition and regimental order of the colonel of the regiment, three companies, consisting in all of about one hundred men, were promptly brought on to the ground.

My presence being demanded at the payment of the Miamies, the money was now delivered into the possession of the last-selected commissioners; and, at their request, the troops were placed at their disposal. The commissioners, in the discharge of their duty, proceeded to distribute to the heads of families and bands, the money retained by them for equal distribution among themselves; after which, they adjourned, on the same evening, (27th September,) to Judge Polke's, about three miles distant from the camp, taking the remaining money with them.

The appearance of the troops seemed to effect the object intended. The disaffected among the Indians and white men were awed from further acts of intimidation and lawlessness; and the commissioners, after a session of two days at Judge Polke's, uninterrupted by any attempts to interfere with their decision, proceeded to distribute to claimants, in the proportion agreed on, the remaining money in their hands.

The exigency that produced the requisition for an armed force on the ground could not have been anticipated. The measure, however, it is believed, was not disproportioned to the emergency. It suggested itself to my mind as the only resort to ensure protection to the chiefs who had signed the treaty and thrown their protection upon me, and to bring to peaceful termination the adjustment and payment of the claims against the Indians by the commissioners.

I am, sir, with great respect, your obedient servant,

A. C. PEPPER, *Indian Agent.*

To the HON. SECRETARY OF WAR,
Washington City.