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Alabama – Captain Park's Company.

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ALABAMA—CAPTAIN PARK'S COMPANY.

JUNE 6, 1838.

Read, and laid upon the table.

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

REPORT:

The Committee of Claims, to whom was referred the claim of E. E. Park, and of the company commanded by him, report:

That the statement of the case is contained in a letter from E. E. Park to the honorable Dixon H. Lewis. According to that statement, a company of cavalry volunteered in February, 1837, in Alabama, under the command of the said E. E. Park, to resist the hostile Creek Indians; that, in consequence of the prejudice existing against the officers of the United States who had command during previous difficulties, and from believing said company would be placed under the command of the officers of the United States, it refused to be mustered into the service of the United States; that it remained in service more than two months, and operated with General Wellborn, Captains Jernegan, Morris, and others, scouring the swamps where danger was anticipated, and gave confidence and security to the surrounding country; that the company supplied itself with rations and forage; was composed of citizens of Russell county, most of whom had suffered largely by losses of property during previous Indian aggressions, were unable to furnish supplies for themselves, and were furnished by others in better circumstances; that the service was performed from a belief that prompt measures were necessary, and that the movements of the troops of the United States were too slow to prevent Indian incursions; that the company had learned that an application had been made to the Legislature of Alabama to pay such claims out of the State Treasury, which had been refused, and relief is asked from the United States.

The committee addressed a letter to the Secretary of War, and requested information as to the service of the company, and its refusal to be mustered into the service of the United States, together with any other information in relation to said company that was in his possession.

His answer is accompanied by reports from the Paymaster General and the Commissioner of Indian Affairs, stating that no intelligence is in either office of the existence of such a company. The Secretary of War applied to the Adjutant General, but no information could be obtained from him.

The committee could not recommend payment to be made to a company,

without disinterested testimony that services were performed, and that they were required by the proper authority; or that the exigency was such as would dispense with such requirement, and demanded that the force should be called out.

The power to declare war, and to raise and support armies, is delegated to the United States. They should not be held responsible to pay troops not called out by them, or whose service has not been recognised as necessary. If troops will not be subordinate to national authority, they have no valid claim on the Government they contemn. Such has been the decision where troops refused to be mustered into the service of the United States during the last war with Great Britain, and, in the opinion of the committee, it should be most rigidly adhered to.

In making the inquiry of the Secretary of War, it was hoped some palliating circumstance might be found to exist, but none has been discovered.

In every view of the claim as it is now presented, the committee think relief ought not to be granted.