

Report No. 507.

[To accompany J. R. H. R. No. 24.]

HOUSE OF REPRESENTATIVES.

SHAWNEE INDIANS.

APRIL 26, 1848.

Mr. McILVAINE, from the Committee on Indian Affairs, made the following

REPORT

The Committee on Indian Affairs, to whom were referred the memorial of Charles Findley, and other papers in relation to his claim upon the Shawnee Indians, submit the following report:

The petition of Charles Findley represents that the chiefs and head men of the Shawnee Indians, residing on the Kansas river, made a draft in favor of the superintendent of Indian affairs, at St. Louis, on the Indian department, for nine thousand six hundred dollars, being the sum due by the said Shawnee tribe to sundry individuals, and requesting the amount to be paid out of a fund created under the treaty of Wapaghkonnetta, made August 8, 1831.

By this treaty, those Indians residing near Wapaghkonnetta, in the State of Ohio, ceded all their lands to the United States, with the condition that the proceeds of the sales of such lands, after certain deductions should be made therefrom, should be held by the government as a fund, upon which they should receive annually five per cent., and which fund might be drawn upon at any time by the said Indians, through their chiefs, subject to the discretion of the President.

It appears, from papers submitted to your committee, that this claim originated in circumstances growing out of a demand made by the Secretary of War upon the Shawnee and other friendly Indians, west of the Mississippi, for recruits to aid in the prosecution of the war against the Seminoles in 1837.

The secretary, in his letter of July 22, of that year, addressed to Major R. W. Cummins, Fort Leavenworth, Missouri, says: "The

compensation of these Indians, for six months' service, will be as follows: To the chief of each band, \$417; and to all others, each, \$270." The Indians represent that, on the faith of this promise, they made arrangements with their traders to furnish their families with whatever they might need, until they returned. On the 2d of October following, the Secretary of War addressed another letter to Major Cummins, in which he says a mistake was made in the amount authorized to be offered to the Indians in his former letter; and that, instead of \$270 for six months' service, \$71 22 was the most that the law would allow. He was required to apprise the Indians of the mistake, and to discharge such as were not willing to engage at the reduced amount. Ninety-one of these warriors had, however, left for Tampa bay before this intelligence was communicated to them; and it does not appear that any were afterwards engaged. They were notified of this mistake upon their arrival at that place, by General Jesup; and were promised by him, as "our country is just," that, if they served well, he would take their chiefs to Washington, and represent their case to Congress, and that he had no doubt of obtaining for them all that had been promised.

The letter of General Jesup addressed to the Secretary of War, which, with other papers, is hereto annexed and made part of this report, will show the importance of continuing these Indians in the service. They did so continue; and were paid, as per report of Paymaster Stuart, at the rate of \$71 22 for the term of six months, with the addition of the difference between this sum and that first promised them, viz: \$270 for the time which elapsed between their enlistment and their notification of the "mistake," averaging, altogether, \$19 60 per month, instead of \$45, as promised. And it is owing to this deduction from the original contract, as they represent, that they were rendered unable to comply with their engagements with their traders, and compelled them to draw upon their land fund to sustain their credit.

The committee, in view of these facts, cannot recommend the payment of this draft out of the land fund, but are of opinion that the promises of the government, through its constituted authorities, made to these Indians, should be faithfully fulfilled, which would restore the relation existing between them and their traders at the time referred to, and enable them to meet all their engagements, based upon their then expectations; they therefore report a joint resolution authorizing the Secretary of War to pay any balance that may be due said Indians who served in the Florida war, under the order of the War Department, of the 22d July, 1837, to the chiefs of said tribe.

FORT LEAVENWORTH, *March 30, 1844.*

SIR: We, the undersigned, chiefs, councillors, and braves, of the Shawnee tribe of Indians, are compelled to lay before you the real situation of our nation, with a hope that you will enable us to re-

lieve ourselves of the existing difficulties which we labor under. We do not conceive that we ask anything here as a favor, but, we think, as a matter of right and justice at your hands.

You recollect well, sir, when you engaged us to go into the Florida war, what you promised to pay to each individual. On the faith of your promise, we made arrangements with our traders to furnish our families with whatever they might need until we returned. This promise, on the part of our traders, was faithfully complied with, but, unfortunately for us, the good pay that was promised us was largely curtailed, which left us largely in debt to our traders; we gave it all up to them, and they quarrelled over it. Some wanted more than their share. In consequence of our absence we lost most of our crops, which compelled us to enlarge our credits. The only alternative left us, to keep our credit as a nation, and pay our honest debts, was to break on our annuity. In order to relieve ourselves of the debt and obligation for their favors, we gave a draft on you in favor _____, as well as we now recollect, for \$9,600, to be paid out of the funds arising from the sale of our lands, under the 7th article of the treaty of August the 8th, 1831; but, sir, to our great mortification, we were informed that you refused to pay the draft, because the funds have been invested in State stocks, which are now valueless. Now, sir, suppose the funds should be lost entirely by this investment, are we to be the sufferers? Surely not. Look carefully at the treaty and article above referred to. We know the President of the United States may, if he thinks proper, withhold the funds which has or may accrue under this article of the treaty, but we confidently believe that, when he takes into consideration all the circumstances that we have truly related, together with the difficulties which we had to encounter, after emigrating to a new country, he will not do so.

There is, sir, another matter which greatly disturbs us. When we first emigrated from Ohio to this place, George C. Johnson, one of our traders in Ohio, followed after us, and by his cunning and intrigue he induced us to acknowledge that we owed him a debt of about \$20,000, by stating to us that he could get the government of the United States to pay that sum, and that we would be nothing loser, &c., &c. Now, sir, this is the plain naked truth, notwithstanding we soon made this fact known to you, and protested against your paying this amount, or any other, to George C. Johnson out of our money, until he would come here with his books and make a fair settlement. We then stated to you that we would pay him every dollar that we honestly owed him; this was our determination. But, instead of doing this, we understand that George C. Johnson has laid the claim before Congress, and got a law passed for his benefit; we know not for how much, but suppose for the \$20,000; \$2,000 of which to be paid annually. The latter amount, of course, stopped annually out of our annuity. Now, sir, it is possible that we owe George C. Johnson the one third part of this amount, not more. But why was he afraid to come forward with his accounts and have a fair settlement? Why, sir, because he knew well we did not owe him this amount. Now, sir, you take

our money against our consent and pay unjust claims; and retain our money from us, which we wish applied to the payment of just and honest debts, debts of honor, as well as honest. We think, surely, that the government of the United States will never suffer us to be imposed on in this way. We hope Congress will repeal the unjust act, and let George C. Johnson produce his accounts, and have a fair settlement; then whatever we may be indebted to him we will have no objections to its being paid by you or the government, but, sir, until this is done we protest against its payment.

Now, sir, in order to maintain our credit and standing, and to pay our just debts, we will again, in the most respectful manner, ask you first to pay the draft of \$9,600, which has been presented to you; and next we will ask you, in the same respectful manner, to send to our agent the residue of the money arising from the sale of our lands, as provided in the 7th article of our treaty of August the 8th, 1831, to be paid by him to us, in compliance with the provisions of the treaty. The interest due us on the above amount we wish you to pay to one of our chiefs, Joseph Parks, who will hand you this letter and petition. Now, sir, in order that we will be sure that you will get this letter, we have appointed one of our chiefs, Joseph Parks, to carry it to Washington and hand to you in person, and we give him full power and authority to act for us, and to carry our wishes, as above stated, into effect. In conclusion, sir, we will offer our sincere prayers and best wishes for our great father and the heads of departments.

1. Chief, John Perry, his x mark.
 2. do P. A. Tohcumme, his x mark.
 3. do Joseph Parks, his x mark.
 4. do Sah-qua-we, his x mark.
 5. do Blackhoof, his x mark.
 6. do Letho, his x mark.
 7. Counsellor, William McNair, his x mark.
 8. do Chocke-semo, his x mark.
 9. do George McDogle, his x mark.
 10. do Nah-wah-we-wa-tuckor, his x mark.
 11. do To-we-che-noh, his x mark.
 12. do Thomas Fish, his x mark.
 13. do Eli Blackhoof, his x mark.
 14. do Blackfeather, his x mark.
 15. do James Blackfeather, his x mark.
 16. do Chaw-we, his x mark.
 17. do Joseph Dougherty, his x mark.
- Lewis Rogers, his x mark.
 Pu-che-we-semo, his x mark.
 Joe Day, his x mark.
 William Rogers, his x mark.
 Coffee, his x mark.
 Toh-soh-be-ah, his x mark.

HON. T. HARTLEY CRAWFORD,
Commissioner of Indian Affairs, Washington, D. C.

I certify, on honor, that the above letter was wrote by me at the request of the Shawnees, and that the same was read and carefully explained to them, and that they stated that the same was just what they desired; that it fully embraced what they wanted wrote, and that their marks were made by them to their names in my presence.

RICH'D W. CUMMINS,
Indian Agent.

WAR DEPARTMENT, *May 15, 1844.*

SIR: In answer to your letter of the 10th instant, I transmit herewith copies of all the correspondence of this department, in 1837, relative to the employment of friendly Indians (Shawnees and Delawares, of the Missouri) against the Seminoles in Florida.

Very respectfully, your obedient servant,

WM. WILKINS,
Secretary of War.

Hon. J. M. HUGHES,
House of Representatives.

WAR DEPARTMENT, *July 22, 1837.*

SIR: It having been deemed advisable to employ a body of friendly Indians to aid in the operations against the Seminoles of Florida during the next campaign, you are required to endeavor to engage for this service 400 Shawnees, 200 Delawares, and 100 Kickapoos, to be selected from the most intelligent of those best affected towards the United States. You will represent to them that they will be divided into bands of 50 each, including the individual who may have the command of each band, and who will be selected by those composing the bands out of their own numbers. The compensation of these Indians, for six months' service, will be as follows: To the chief of each band 417 dollars, and to all others each 270 dollars. Besides this pay, they will be subsisted at the expense of the government, and it may be proper to assure them that every effort will be made to give them, should they desire it, the same kind of ration which they now receive, and that, should any of the Indians thus engaged die, or be killed while in the service of the government, the amount of pay which may be due them for the six months' service will be given to their families.

These Indians will be armed with their own rifles and equipments, so far as they possess them, and those who may not have them of their own, will be furnished by the United States, the cost of which to be deducted from their pay. Each band will select its own interpreter, who will be enrolled, and will compose one of the 50. The compensation of each interpreter, for the six months' service, will be 350 dollars.

It is of great importance that the enrollment and organization of

this force should be completed sufficiently early to admit of its transportation to Tampa bay, Florida, by the middle of October next at latest. In the duty of enrolling and organizing you will be assisted by one or more officers of the army, who will join you at the proper time for this purpose, and who, when this duty shall have been completed, will take charge of the Indians, and conduct them in transports on their way to Florida.

Very, &c.;

J. R. POINSETT

Major R. W. CUMMINS,
Fort Leavenworth, Missouri.

The same to Captain Wm. Armstrong, Chickasaw agency, Arkansas, substituting, for the names and numbers of the tribes herein required, 200 Choctaws.

The same to General J. M. Street, substituting, as above, 100 Sacs and Foxes.

WAR DEPARTMENT, *October 2, 1837.*

SIR: In my letter of the 22d of July last, on the subject of engaging Indians for service in Florida, a mistake was made in the computation of one of the amounts named in the letter, which you were authorized to offer them for their services during six months. The amount specified for the chiefs of the bands is correct; but that for the others, instead of two hundred and seventy dollars, should have been but seventy-one dollars twenty-two cents.

The department regrets that the mistake has occurred, as the latter sum is all that the law will allow being given to them. You will at once explain the mistake to the Indians, and such of them as may have engaged for two hundred and seventy dollars, and are unwilling to serve for the seventy-one dollars twenty-two cents, you will permit to withdraw.

Very respectfully, your most obedient servant,

J. R. POINSETT.

Major R. W. CUMMINS,
Fort Leavenworth, Missouri.

Captain Wm. ARMSTRONG,
Choctaw Agency, Arkansas.

P. S.—You are authorized to muster eight out of every fifty as non-commissioned officers; that is, four sergeants and four corporals. The sergeants to receive one hundred and eight dollars ninety cents, and the corporals eighty-three dollars twenty-two cents, for the six months' service.

J. R. P.

Extract of a letter from the Hon J. R. Poinsett, Secretary of War, dated December 21, 1837, to the Hon. C. C. Cambreleng, chairman of the Committee of Ways and Means.

“There is another subject now before me, with which I beg leave to trouble the committee.

“There is the error noticed in the annual report of this department, which was made in the instructions for raising a body of Indians for service in Florida, in respect to the amount of pay which was to be given them. For the period between the time when those who entered the service enrolled themselves, and that when the error was explained to them, the difference between what was erroneously offered them, and what the existing laws allow to volunteers serving on foot, amounts to \$7,775 55. By recent intelligence from Florida, the department has been advised that these Indians are rendering highly important and valuable services, by their efforts to influence the Seminoles to submit to a peaceful termination of hostilities; and, in order that the faith of the government may be preserved with these valuable allies, I beg leave, respectfully, to suggest that the committee will take the proper measures to have the sum specified appropriated at an early day.”

NOTE.—The act of June 12, 1838, making appropriations for “preventing and suppressing Indian hostilities,” (vol. 9, page 778, Laws U. S.,) provides:

SEC. 1. “For correcting an error in paying the Indians employed in the public service in Florida, *seven thousand seven hundred and seventy-five dollars and fifty cents.*”

ADJUTANT GENERAL'S OFFICE,
Washington, May 14, 1844.

SIR: In compliance with your instructions, I respectfully furnish herewith copies of a letter of instructions to Captain Bean and Lieutenant Poole, of August 1, 1837, and of an order directing those officers to engage a body of friendly Indians to aid in the operations against the Seminoles.

Under these instructions Captain Bean mustered into the service or the United States two companies of Delaware Indians, for six months, from September 29, 1837, and Lieutenant Poole two companies of Shawnee Indians, for a similar term, from October 2, 1837.

I am, sir, very respectfully, your obedient servant,

L. THOMAS,
Acting Adjutant General.

Hon. WM. WILKINS,
Secretary of War, Washington.

HEAD-QUARTERS OF THE ARMY,
Washington, August 1, 1837.

SIR: The War Department has decided on employing a body of friendly Indians, to aid in the operations against the Seminoles during the next campaign. The Indian agent, Major Cummins, has been instructed to take measures for engaging certain Indians in the vicinity of Fort Leavenworth, viz: 400 Shawnees, 200 Delawares, and 100 Kickapoos, to be organized in bands of 50 each, including the leader and interpreter. It is the wish of the Secretary of War that you should assist the Indian agent in organizing these bands, and when organized to take charge of them and conduct them to Tampa Bay, where it is expected they will arrive by the middle of October at farthest. You will, therefore, correspond with Major Cummins concerning this matter, and use your personal endeavors to fulfil the wishes of the Secretary of War.

I have the honor to be, &c.,

ALEX. MACOMB,
Major General, Commander-in-chief.

Captain BEAN,
Lieutenant POOL.

P. S. Lieutenant Pool, being at Washington, is ordered forthwith to proceed to Fort Leavenworth.

GENERAL ORDERS, }
No. 51. }

ADJUTANT GENERAL'S OFFICE,
Washington, August 2, 1837.

It being the intention of the War Department to engage a body of friendly Indians, to aid in the operations against the Seminoles during the next campaign in Florida, the following named officers are assigned to the duty of mustering the said Indians into service, and to conduct them to Tampa Bay, according to the instructions they have respectively received.

* * * * *

Captain J. L. BEAN, 2d dragoons,
First Lieutenant B. POOLE, 3d artillery.

By order of Major General Macomb.

R. JONES,
Adjutant General.

HEAD-QUARTERS, ARMY OF THE SOUTH,
Picolata, November 10, 1837.

SIR: An error in regard to the compensation to be allowed to the Shawnee and Delaware warriors has been reported to me, and I have also been furnished with a copy of an order for their discharge, unless they consent to receive the sum authorized by law. One hundred and seventy-seven of them had arrived at Tampa bay,

before the order of their discharge had been received by the officer who conducted them thither, and I had ordered a portion of them to join me on the St. Johns.

To discharge them now, or to pursue any course towards them which would dissatisfy them, might, and no doubt would, have a most injurious effect on our relations with the Seminoles. The moral effect produced upon the Seminoles by their arrival will be most advantageous; and if they were to be removed, particularly under circumstances which would be likely to give dissatisfaction to them, it might cost us another campaign. I enclose a copy of a letter addressed to Lieutenant Colonel Davenport, on the subject of the Indians; part of them will probably have marched to the interior before that letter be received at Tampa, and to order them to return might cause the Seminoles, who are now inclined to surrender, to hold out with the Mickasukeys.

Until I have your instructions on the subject, I consider it to be my duty to retain them.

I have the honor to be, most respectfully, sir, your obedient servant,

TH. S. JESUP,
Major General, commanding.

HON. J. R. POINSETT,
Secretary of War, Washington city.

[Enclosure of Major General Jesup's letter to Secretary of War, November 10, 1837.]

Extract.

HEAD-QUARTERS, ARMY OF THE SOUTH,
St. Augustine, November 7, 1837.

COLONEL:

* * * * *

I have also received your letter of the 1st instant. I regret the circumstance to which you refer. The importance of fulfilling all our engagements with the Indians with most scrupulous good faith is unquestionable. To dismiss them now might not only cost us an additional campaign here, but cause difficulties on our western border; we must, therefore, retain them at all hazards. I wish you to assure them that our laws do not authorize the payment of the sum stipulated, but that the enemy has a large property, consisting of ponies, cattle, and negroes, and that I will pay them for all the cattle they take, and they will also be paid fifty dollars for every negro they take, and they will be allowed to keep the ponies or sell them as they may think proper. Represent to them also that our country is just, and that, if they serve well, I will take their chiefs to Washington and represent their case to our great

council, (Congress,) and I have no doubt of obtaining for them all that has been promised.

I am, colonel, most respectfully, your obedient servant,
 TH. S. JESUP,
Major General, commanding.

Lieut. Col. WM. DAVENPORT,
Commanding 1st infantry, Tampa bay, Florida.

PAY OFFICE,
St. Louis, September 18, 1839.

GENERAL: I have the honor to enclose herewith the pay rolls of four companies of Shawnee and Delaware Indians, who served a tour of duty in Florida, in 1837.

I allowed the privates the pay promised them by Mr. Poinsett, in his letter to Major Cummins, under date the 2d October, 1837, a copy of which I enclose herewith.

I have the honor to be, &c.,
 ADAM STEWART,
Paymaster U. S. army.

Gen. N. TOWSON,
Paymaster General U. S. A., Washington city.

Captain Moses, band of Delawares, from 29th Sept., 1837, to 29th March, 1838, 37 men, paid by Massias, <i>including the additional appropriation</i>	\$4,350 19
Additional pay \$46 38 each for the 6 months, and averaging, per month, \$19 60, with the addition included.	
Captain Shawnick, Delaware, same as above, 50 men....	5,696 96
87 men, in all, of Delawares.	
Captain William Parks, of Shawnees, from 2d October, 1837, to 2d April, 1838, 46 men, paid as above	5,094 68
Captain Joseph Parks, Shawnees, from 2d October, 1837, to 2d April, 1838, 45 men	5,055 61
91 men, in all, of Shawnees.	
87 do. do. of Delawares.	

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 Total, 178

Mr. Stewart made a payment for 23 days, from 2d April, to the Shawnees, and 26 days to the Delawares, from 29th March, 1838, additional.