

HARVEY HETH.

[To accompany bill H. R. No. 184.]

MARCH 29, 1844.

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

REPORT :

The Committee on Indian Affairs, to whom was referred House bill (No. 181) for the relief of Harvey Heth, for Indian depredations, with accompanying papers in relation to the claim of said Heth, submit the following report :

It appears from the evidence in this case, that in the year 1836 a band of Pottawatomie Indians encamped near Logansport, in the State of Indiana, and, whilst there, destroyed about twenty-one acres of corn, which respectable witnesses testify was worth at least \$400. This case was submitted to the Commissioner of Indian Affairs, who, on the 10th of August, 1843, decided it to be just and reasonable in amount, and accordingly directed the \$400 to be paid out of the annuities due said Indians ; but on the 14th of the same month reconsidered his decision, and decided the case did not come within the provisions of the law passed in 1834, regulating the intercourse with Indians, because the depredations were committed within the State of Indiana, and whilst the Indians resided there upon lands to which the Indian title had been extinguished. But, from a careful examination of the treaty concluded with these Indians, 11th of February, 1837, it appears that the Indians then ceded to the United States all their reservations of land retained by them under the treaties of October 26 and 27 in the year 1832, and stipulated to remove to the southwest of the Missouri river within two years after the ratification of the treaty of the 11th of February, 1837.

At the time the field of corn was destroyed, the Indians were residing on their own land, the title to which they had never parted with till the treaty of the 11th of February, 1837, and then reserving the right of possession for two years after the ratification of the treaty.

From this state of the case, the Indians actually left their own lands, encamped near Logansport, and wantonly destroyed the property of Mr. Heth. If the Indians had resided within the State of Indiana, not upon lands of their own, then the case would not come within the provisions of the intercourse law of 1834 ; but as they resided on their own lands, the title to which they had never parted with till February, 1837, the committee cannot see any good reason why this case does not come within the provisions of the law of 1834. The Indians unquestionably left their own lands, although within the limits of the State of Indiana, and destroyed the property of Mr. Heth ;

yet, the very fact of the Indians leaving their own land, and committing the trespass upon the property of Mr. Heth, clearly, in the opinion of the committee, brings this case within the intercourse law. The evidence is full and complete that the Indians did destroy the field of corn; and the papers also show that Mr. Heth has made oath that he has neither himself, his representative, attorney, nor agent, has violated the provisions of the intercourse law of 1834, by seeking or attempting to obtain private satisfaction for said claim, &c.

The committee, therefore, report back the bill for the relief of Harvey Heth, without amendment, and recommend its passage.

REPORT:

The Committee on Indian Affairs, in order to refer to the following report, in relation to the claim of said Heth, submit the following report:

It appears from the evidence in this case, that in the year 1834 a party of Shawano Indians occupied near Logansport, in the State of Indiana, a field of corn, and destroyed the same, and carried away the corn, which was worth at that time about twenty-one dollars, which was not paid for. This case was reported to the Commissioner of Indian Affairs, who on the 10th of August, 1834, reported it to be just and reasonable in amount, and accordingly directed that it be paid out of the moneys due said Indians; but on the 14th of August, 1834, the Commissioner, after having reviewed the case, and decided that the case did not come within the provisions of the law passed in 1834, regarding the intercourse with Indians, because the operations were committed within the State of Indiana, and while the Indians resided there upon lands to which the treaty had been extended. But from a careful examination of the treaty concluded with these Indians, 11th of February, 1835, it appears that the Indians then ceded to the United States all their reservations which existed by them under the Treaty of October 26 and 27, in the year 1834, and stipulated to remove to the southwest of the Missouri river, two years after the ratification of the treaty of the 11th of February,

1835, the time the field of corn was destroyed, the Indians were residing on the reservation, the title to which they had never ceded with all the provisions of the 11th of February, 1835, and then reserving the right of possession in two years after the ratification of the treaty.

From this state of the case, the Indians actually left their own land, and committed the trespass upon the property of Mr. Heth. The Indians had resided within the State of Indiana, not upon lands of their own, but upon lands within the provisions of the intercourse law of 1834; but as they resided on their own lands, the title to which they never ceded with the Treaty of February, 1835, the committee cannot see any reason why this case does not come within the provisions of the law of 1834. The Indians unquestionably left their own lands, although within the State of Indiana, and destroyed the property of Mr. Heth;