IN SENATE OF THE UNITED STATES.

January 7, 1840.

Ordered to be printed.

Mr. Young submitted the following

REPORT:

[To accompany Senate bill No. 134.]

The Committee of Claims, to whom was referred the memorial of Joseph Paxton, of the county of Campbell, and State of Kentucky, make the following report:

That the memorialist, Joseph Paxton, of the county of Campbell, and State of Kentucky, states that he volunteered his services as trumpeter in Captain F. Keiger's rifle company of Louisville, Kentucky, and was at the battle of Tippecanoe, in the year 1811; that he fired the second gun, and was the only musician who sounded a trumpet during that memorable engagement; that, after his return to Kentucky, he again volunteered his services as trumpeter in Captain Johnson's troop of light dragoons, which belonged to Colonel Simrall's regiment, and was in the battle of the Mississiniway, under Colonel Campbell, in the year 1812; that he here again sounded the charge on the morning of the battle, and presumes that the present Vice President of the United States will recollect him; that he was on several other expeditions previous to the campaign of 1813; that, while at Piqua, in the State of Ohio, in the year 1813, he was chosen and agreed to serve as a volunteer spy in Captain Leslie Combs's company of spies, and marched and served under him in his various scouting expeditions, until the 1st of May of that year; that, on the 1st of May, 1813, Captain Combs, who was then at Old Fort Defiance, at the junction of the Auglaze and Maumee rivers, was ordered to take a part of his company and proceed to Fort Meigs, and open, if possible, a communication with General Harrison; that when Captain Combs received his orders, he addressed the members of his company, and informed them that he was ordered on a very dangerous expedition, and wished a few of his men to go with him; that he would give no compulsory order on the subject, and desired such only to go as would freely volunteer their services; that he was the first to volunteer for this enterprise, and set out on the expedition in a canoe, on the evening of the same day, in company with Captain Combs, three other volunteer spies, and an Indian, named Blackfish; that they proceeded down the Maumee river, and continued their journey through the whole night, and were frequently exposed to very imminent dangers, especially for the distance of ten or fifteen miles, while descending the rapids; that he well recollects, that Captain Combs laid in the fore part of the canoe all

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night, and directed how it should be steered, so as to avoid the most dangerous parts of the river, as they had nothing but dim star light and the white foam of the water to aid them in their course, while some rowed and others threw out the water, as it continued to splash over the sides of their canoe; that, at intervals during the night, they could distinctly hear the cannonading at Fort Meigs, and when daylight appeared the roar of artillery was tremendous; that the captain landed early in the morning with his little company, when each man examined his gun and prepared for action, as they now expected to have to fight their way into the fort, in consequence of the failure to reach there during the night, which was the expectation when they set out on the preceding evening; that, after they had examined and reloaded their rifles, they again embarked in their canoe, and proceeded on their way, and very soon came in sight of Fort Meigs, and saw the American flag still flying, while a little below, on the opposite side of the river, the British batteries were in full view, firing away like thunder; that just at this moment, and while they were coasting down on the British side of the river, the Indians on the American side rushed from the woods to the river in great numbers, and commenced a tremendous fire upon them; that Captain Combs ordered them not to return the fire, as he expected every moment an attack from the British shore; he said he would endeavor to pass the point, which was then just below us, and land, if possible, under the guns of the fort, and risk the fire from the British cannon from the opposite shore; that they soon ascertained that it would be impossible to pass the point, as the Indians had discovered them from the British side also, and had likewise commenced their fire upon them; that the first ball was distinctly heard to whistle over their heads, and the next struck one of the party named Johnson in the body. Johnson, wounded as he was, returned the fire; and the captain, seeing all further progress in the canoe entirely cut off, ordered it to be landed, which was immediately done; that while the memorialist was in the act of jumping from the canoe to the shore, he was struck by a ball near the right shoulder blade, and not far from the back bone, which was cut out several months afterward in front, just above the right nipple; that, on being shot, he faced about, fired, and saw his Indian fall; that he remarked at the time, and still believes, that he killed him; that thus wounded, he retreated as he was ordered, being assisted by the Indian Blackfish, in the direction of Old Fort Defiance, and succeeded in getting about eleven miles, when he gave out, and could proceed no farther; that Blackfish then left him at *his own request*, as he thought it useless for him to remain and sacrifice his life to no purpose; that, after his Indian companion had been gone several hours, the hostile savages came up and made him a prisoner; stripped him of his arms, clothing, money, and everything else that he had about his person, with the exception of his shirt, pantaloons, and shoes, and straightway conducted him to the British camp; that, immediately on his arrival in their camp, he was taken before General Proctor, the British commander, for examination, who asked him under whose command he came; to which he replied, under the command of General Green Clay, of Kentucky. How many men General Clay had with him; to which he answered, two thousand Kentuckians and seven hundred Indians. He further states that Major Chambers, of the British army, repeated the last question, to which he replied as before, when the major pronounced him a liar, and said that Kentucky could not raise half that number of fighting men; that he there-

upon told the major that if one-fourth part of what Kentucky could raise, were to make their appearance, that that country would not hold him long; that the major responded by telling him (the memorialist) not to attempt to humbug him, or he would have him fixed; to which he rejoined that he might fix and be d——d; that General Proctor here interposed, and put an end to the examination by saying that they would make good bait for his Indians; to which he (the memorialist) replied, not so good as he might suppose.

That he was shortly afterward sent across the lake with the prisoners taken at Dudley's defeat, and had the ball extracted, as before related, by Dr. Cloud, in July, 1813; that at the time it was extracted he noticed that a piece off one side of it was missing, which did not attract his attention until about six years afterward; that, during that period, he was constantly afflicted with a spitting of blood, until, on a certain day, he was seized with a violent fit of coughing until he was almost strangled, when he threw up something heavy, which he heard fall on the floor, and, on examination, found the lost piece of ball; that he soon after ceased spitting blood, and gradually recovered his health, which had, from much exposure and his wound, become greatly injured.

The memorialist further states that, during the expedition under Colonel Campbell to the Mississiniway, in 1812, he lost his horse, as proved by the affidavit of Major McDowell, which is appended to his memorial. Major McDowell, who subscribes his name as first Major in Colonel Simrall's regiment of light dragoons, says, in affirmance of this statement, that the memorialist was trumpeter to Captain Johnson's company, in said regiment as he states, and that, during the expedition, he lost his horse by his body being cut open so as to let out his bowels, but how, or by whom, was never known; that said horse, at a fair estimate, was worth the sum of $80; that the memorialist immediately purchased another horse, and continued to perform duty with the troop to which he was attached. The affiant states, in conclusion, that he is satisfied that the loss of the said horse did not happen in consequence of any negligence or want of attention on the part of the memorialist; but that, on the contrary, he generally kept him in fine order, and appeared to take great care of him. The horse was killed, as well as the affiant recollects, in the month of December, 1812. The memorialist further states, that at the time he became a member of the spy company commanded by Captain Combs, and at the time he was wounded and taken prisoner by the Indians, as above mentioned, he had with him three suits of clothing, worth $100; a rifle-gun worth $25; an Indian tomahawk, inlaid with silver, worth $10; a wampum belt, worth $10; a shot pouch, worth $5; a butcher's knife, the price of which he does not recollect; a hat, oil cloth, and silver eagle, which cost him $12 25, and $125 in silver, making in all, the sum of $287 25; that he lost all of said property at the time he was taken prisoner by the Indians, as before related, with the exception of his shirt, pantaloons, and shoes. Captain Leslie Combs states in his affidavit, which is also attached to the memorial, that the memorial was written by him as dictated by the memorialist, and that the facts therein stated, so far as they relate to his services in his company of spies, on the campaign of 1813, correspond entirely with his own recollection of them; that he does not know the value of his clothing, or the amount of money lost, but has entire confidence in the strict truth of his statements; that his equipage, gun and accoutrements were all lost,

and certainly, as the facts show, without the fault or negligence of the memorialist; and that if any one was to blame it was the affiant, and not the memorialist, for having conducted his men into such an ugly place. Captain Combs concludes his testimony by saying that the memorialist was as fearless a man and as good a soldier as he ever saw, and that he is now disabled from doing much labor in consequence of his severe wound.

Several of the committee are well acquainted with the character of Major McDowell and Captain Combs, and would, from their knowledge of their reputation, place entire confidence in the correctness of their statements; and as much of the narrative of the memorialist is fully sustained, and all of it strongly corroborated, by their testimony, the committee do not hesitate to believe but that his losses have been fairly and correctly stated, and that he should be indemnified by the Government to the fullest extent, and they accordingly report a bill for his relief.

STATE OF KENTUCKY, } ss.
Fayette county, }

This day came Joseph Paxton before me, a justice of the peace for said county, and made oath that he was trumpeter to Capt. F. Keiger's company of the rifle corps, from Louisville, in 1811, at the battle of Tippecanoe. He fired the second gun in that battle, and was the only musician who sounded a trumpet during battle, which he did several times. He then returned to Kentucky.

In 1812, he volunteered under Capt. Johnson, in Colonel Simrall's regiment, and was in the battle of Mississiniway, in 1812, under Col. Campbell, where he lost his horse, as he has proven by Major McDowell. He sounded the charge the morning of the battle, and presumes the present Vice President of the United States recollects him. He was in various other expeditions previous to the campaign of 1813.

At Piqua, in April, 1813, he was chosen and agreed to serve as a spy in the company of Captain Leslie Combs, and marched and served under him in his various scouting expeditions, till he was wounded and taken prisoner by the Indians, as is hereinafter stated. At the time he joined said spy company, he had with him about one hundred and twenty-five dollars, silver, at the least estimate; a shot-pouch which cost him five dollars; an Indian tomahawk, inlaid with silver, which cost him ten dollars; wampum belt, ten dollars; a butcher knife, the price of which he does not recollect; and three suits of clothing, which he had provided with the determination to remain in the army as long as there was any fighting to do. He thinks his said clothing worth at least one hundred dollars. His hat, oil cloth, and silver eagle, cost him twelve dollars twenty five cents. His rifle was worth about twenty-five dollars. Total, $287 25.

On the 1st May, 1813, Captain Combs was despatched from old Fort Defiance, at the junction of the Auglaze and Maumee rivers, to Fort Meigs, to open a communication with General Harrison. When he received his orders, he addressed the members of his company, and remarked that he was about to undertake a very dangerous expedition, and wished a few of his men to go with him; that he would give no order on the subject, but desired those who wished to go to volunteer their services. This affiant was the first to volunteer, and in company with three other members of the

company and an Indian, named Blackfish, started with Captain Combs just before sundown, the 1st May, in a canoe. They proceeded all night, at very imminent hazard, especially in descending the rapids of the Maumee, for some ten or fifteen miles. He recollects that Captain Combs lay in the bow of the canoe all night, directing how it should be steered so as to avoid the worst parts of the river. There was star-light only, and the white foam aided us in seeing ahead. Some of us rowed, and some threw out the water as it splashed over the sides into the canoe. We landed, after day-light, to prepare our guns for action, as we expected to have to fight our way into the fort, inasmuch as we did not reach there in the night, as we had hoped and endeavored to do. The cannonading was heard by us now and then, during the night, when the rapids of the river did not make too much noise, and in the morning it was tremendous. All of us prepared our guns with new loads in a few minutes, except young Walker, who was obliged to unbreach his, in consequence of its getting too wet to squib off. We again proceeded in our canoe, and soon came in sight of Fort Meigs, with the American flag still flying, and at the same time the British batteries, just below, or nearly opposite, came in view, and were firing like thunder. This affiant recollects while going down the rapids he told the captain that he had rather land and be scalped by the Indians, than drowned in the river. We had hardly come in view of the fort above the point of an island, when the Indians on the American side, in great numbers, rushed from the woods to the river, and while we were keeping to the British shore, commenced a fire on us. The captain had told us not to fire on them, as he expected an attack every moment on the British shore, which was very near to us, and if we could pass that point, he would land under the cannon of the fort, and risk the British cannon. We found it impossible to pass. The first ball passed over the canoe, and we heard it whistle; and instantly another ball struck one of the men, named Johnson, in the body. He then fired at the Indians, and the captain ordered the canoe to be thrown on the British shore, and we there landed. Just as I jumped from the canoe, a ball struck me near the right shoulder-blade, and next the back bone, but did not pass entirely through. I had it cut out some months afterward, near the right nipple, above. I then turned and fired, and saw my Indian fall. I then remarked, and still believe, I had killed him. Thus wounded, I retreated, as ordered, in the direction of old Fort Defiance, and, aided by our Indian, Blackfish, got about eleven miles, as well as I could guess, and could proceed no farther. The Indian then left me, at my *own request*, as I thought it was unnecessary for him to stay and lose his own life too. He had been gone some hours, when the hostile Indians came near me, and discovered me and took possession of me. I lost my arms, clothing, money, and every thing but my shirt, shoes, and pantaloons. I was taken to the British camp, and examined by General Proctor.

He here gives the substance of that examination, because the occurrences of that period are still fresh in his recollection.

General Proctor asked him who he came with. He replied, General Green Clay. How many men he had with him. He answered two thousand Kentuckians and seven hundred Indians. Major Chambers then repeated the question, to which I responded as before. He said I was a liar; that Kentucky couldn't afford one thousand fighting men. I then replied, if he saw the fourth part of what Kentucky could raise, he would not long

be there. He told me not to attempt to humbug, for he would have me fixed. I told him to fix and be damned. General Proctor said they would make good bait for his Indians. I replied, "Not so good as you may suppose."

And afterward he was sent across the lake with the prisoners taken at Dudley's defeat, and had the ball taken out in July, 1813, by Dr. Cloud. When taken out it seemed to have a piece off one side, and this affiant never knew what had become of the piece till afterward, about six years.

He was constantly spitting blood, till one day he coughed violently, and heard something fall on the floor, and on examination found the lost piece of ball. He was almost strangled before he threw out the said piece of ball. He then soon ceased spitting blood, and improved in health.

JOSEPH PAXTON.

October 19, 1837.

I have written the foregoing statement from the dictation of Joseph Paxton; and so far as it relates to his services in my company, in the campaign of 1813, my recollection corresponds entirely with his statement of facts. I do not know the value of his clothing, nor the amount of money he lost, but have entire confidence in the strict truth of his statements. He was as fearless a man and as good a soldier as I ever saw; and is still unable to do much labor from his severe wound.

His equipage, gun, and accoutrements were all lost, and certainly, as the facts show, without his fault or neglect. If any one is to blame, it is this affiant, for conducting his men into such an ugly place.

LESLIE COMBS,
Late Captain of Spies in service of United States.

Fayette county, *ss.*

Joseph Paxton and Leslie Combs this day made oath to the affidavits hereto annexed, and signed by them, before me, a justice of the peace for said county.

JAMES L. HICKMAN,
Justice of the Peace.

October 19, 1837.

The affidavit of James McDowell, this day taken before the undersigned, a justice of the peace in and for the county of Fayette and Commonwealth of Kentucky.

This affiant states that he acted as major in Colonel James Simrall's regiment of cavalry, in the war with England; that the regiment volunteered their services to the United States. That Joseph Paxton was trumpeter to Captain Johnson's company in said regiment. That the said Paxton, during the expedition, lost a horse, by having his body cut open and his bowels let out, but how, or by whom, was never made known to this affiant. That no suspicion rested upon the said Paxton, of causing the death of the horse; on the contrary, he appeared much distressed and irritated at the misfortune. This affiant would estimate the fair value of

the horse at the sum of eighty dollars. Paxton immediately purchased another, and continued to do duty with the troop. He is satisfied that the loss of the horse did not proceed from any negligence or want of attention on the part of said Paxton, who appeared to take great care of him, and had him in fine order.

The horse was killed some time in December, 1812.

JAMES McDOWELL,
1st Major in Simrall's Regiment.

Sworn to and subscribed before me, this 16th of October, 1837.

DANIEL BRADFORD,
Justice of the Peace.

COMMONWEALTH OF KENTUCKY, } *to wit.*
Fayette county, }

I, James C. Rodes, clerk of the county court for the county aforesaid, do certify that James L. Hickman and Daniel Bradford, whose names are signed to the foregoing affidavits of Joseph Paxton, Leslie Combs, and James McDowell, are two of the acting justices of the peace in and for the county aforesaid, duly commissioned and sworn agreeably to law, and as such, full faith and credit should be given to all their official acts.

In testimony whereof, I have hereunto set my hand and affixed my seal [L. S.] of office, this 20th day of October, 1837, and of the Commonwealth, the 46th year.

Attest:

J. C. RODES,
Clerk of the County Court.