

JOSEPH AND LINDSAY WARD.

[To accompany bill H. R. No. 407.]

JUNE 7, 1844.

Mr. W. HUNT, from the Committee on Indian Affairs, submitted the following

REPORT:

*The Committee on Indian Affairs, to whom was referred the petition of Joseph and Lindsay Ward, respectfully report:*

It appears, from the memorial and the accompanying papers, that in 1838 the Government, being desirous to effect the removal of the Pottawatomie Indians from Illinois and Wisconsin to their new location west of the Mississippi, caused a public notice to be issued by Lieutenant J. T. Sprague, a disbursing agent of the Indian Department, inviting proposals for furnishing them with complete rations during the time of their assemblage, and whilst on their route to the country allotted to them. In this notice, which was published in one or more public newspapers, it was stated that "the number of Indians to be provisioned will be from 400 to 500; and the probable length of time to be occupied on the route will be from 70 to 80 days."

It appears that the petitioners were the lowest bidders; and a sealed contract was entered into between them and the Government agent, by which the rations were to be furnished at the rate of 15 cents each.

At the time of executing the contract, it was represented by Lieutenant Sprague that the number of Indians to be furnished was from 400 to 600; and, although no number was specified in the written agreement, it is shown that this official representation was an essential inducement to the contract, and formed the basis upon which the petitioners prepared for its fulfilment.

The Indians were to be assembled near Milwaukie, and on the Oplain river in Illinois; and, at the time fixed by the Government agent, the petitioners proceeded to those stations with the necessary teams and provisions to carry their contract into execution, when it was ascertained that only 129 Indians had been assembled, or could be found for removal. The petitioners were then ordered to go to Nottawa, in Michigan—150 miles further than the contract contemplated—through almost impassable roads, and at a great expense of teams and supplies, to receive another party of Indians, estimated to number from 600 to 800. On reaching Nottawa, the Indians located there refused to go, and could not be induced by the officers to remove; and the petitioners represent that, "after having been at great expense for about 40 days, they were obliged to return without any Indians;

and, although they incurred great loss in the provisions furnished for the expedition, they have received no compensation ;" and that, " while at Nottawa, they issued rations to the amount of about 40 dollars, for which they have received no payment."

The only compensation which they have received from the Government is the sum allowed for the rations actually furnished to the 129 Indians at the contract price.

The above state of facts is established by the letter of Lieutenant Sprague, and several affidavits and other documents, which accompany the memorial. The petitioners applied to the Commissioner of Indian Affairs for remuneration ; and, whilst that officer admits the equity of the claim, he finds no authority in the existing laws for its allowance, and the petitioners now apply to Congress for relief. The actual loss of expenses and provisions in the expedition to Michigan is stated by the petitioners to have been \$800 ; and they present also an affidavit made by Owen Aldrich, who was employed by them to remove the party of 129 Indians from Milwaukee to Council Bluffs, stating that they suffered large damages in consequence of the failure of the Government to furnish the full number of emigrants for which the contractors were directed to prepare supplies.

The committee are of opinion that the petitioners are entitled, in justice and equity, to a fair remuneration for the expense of their fruitless expedition to Nottawa, and for such loss as they actually sustained by reason of the failure of the Government to furnish the number of Indians for which the petitioners had prepared supplies, pursuant to the directions of the emigrating agent.

The committee, therefore, ask leave to introduce a bill authorizing the Secretary of War to make such allowance as he may deem just and reasonable.