

GENERAL JOHN COCKE.

[To accompany bill H. R. No. 266.]

APRIL 4, 1840.

Mr. DAWSON, from the Committee of Claims, submitted the following

REPORT :

*The Committee of Claims, to whom was referred the petition of General John Cocke, of East Tennessee, report :*

That the petitioner, in conjunction with General Gray A. Davidson, of North Carolina, was appointed commissioner to treat with the Cherokee Indians for a cession of a part of their lands to the United States, for the right of constructing a canal in the State of Tennessee, to unite the waters of the Tennessee river with the Coosa; and to effect the object of the Government, the sum of \$10,000 was appropriated: that of this sum, \$5,000 were placed by the Government in the hands of General Cocke, as a commissioner, for the purpose of effecting the foregoing objects. It seems the commissioners, Generals Cocke and Davidson, met in the then Cherokee country, and, as General Cocke states, used every means in their power to hold a treaty: that they dispersed messengers to all parts of the nation, inviting the Indians to meet them at or near the agency: that owing to the influence of Ross and his party, they could not assemble a sufficient number of the chiefs to make a treaty. The petitioner further states, that the commissioners were assured by Major Ridge, Major Walker, John Walker, and others of influence of the opposite party to Ross, that many of the Cherokees were anxious to dispose of their whole country, and move west of the Mississippi, and only required a small sum of money to enable the treaty-making party to become the most numerous. The petitioner alleges that he was convinced of the propriety of making some advance, and did actually advance the sums, and to the persons named in the accounts forwarded to the War Department in the month of January, 1828, and with which he forwarded the vouchers, which showed that he had disbursed the whole amount of the \$5,000, except \$12 50. He further states, that, several years after he exhibited his accounts and vouchers, he received a letter from the Second Auditor, calling on him for an account of his disbursements as commissioner; which he was unable to render, because his vouchers were sent with his former accounts, and he had kept no copy, and made his first accounts from the vouchers, and made out his last from memoranda, which he made at the time of payment: that his last account was imperfect, and there was a balance due the United States, &c. He states that suit has been instituted against him, and judgment obtained to the full amount of \$5,000 and in-

terest, without allowing him a credit of one cent—not even his own compensation : and that his property is now levied on, to satisfy the judgment.

The petitioner further states that he applied to the Secretary of the War Department for instructions to said commissioners, and received for answer, "that he relied on the petitioner mainly to effect a treaty, and declined giving any instructions, but left the matter to his discretion." He further states he had a private interview with the Secretary of War ; that he was admonished of the restiveness of Georgia, and the great anxiety of that State to have the title of the Indians extinguished within the limits of that State, in compliance with the compact between that State and the United States ; and requested that every means should be used to do so. Hence, the advances made by the petitioner, and the expenditure of a part of the money. Such expenditures must be recognised.

The committee, after a full examination of the petition and accompanying papers, are of the opinion the petitioner is entitled to some relief, and therefore report a bill.

The Committee of Claims to which was referred the petition of General John Cook, of East Tennessee, report :

That the petitioner, in conjunction with General Gray A. Davidson, of North Carolina, was appointed commissioner to treat with the Cherokee Indians for a cession of a part of their lands to the United States, for the purpose of constructing a canal in the State of Tennessee, to unite the waters of the Tennessee river with the Coosa ; and to effect the object of the Government the sum of \$10,000 was appropriated : that of this sum, \$5,000 were placed by the Government in the hands of General Cook, as a commissioner, for the purpose of effecting the foregoing object. It seems the commissioners General Cook and Davidson, met in the State of Georgia, and as General Cook states, used every means in their power to hold a treaty : that they dispersed messengers to all parts of the nation, inviting the Indians to meet them at or near the agency : that owing to the influence of Ross and his party, they could not assemble a sufficient number of the chiefs to make a treaty. The treaty further states that the commissioners were assisted by Major Hodge, Major Walker, John Walker, and others of influence of the opposite party to Ross, that many of the chiefs were anxious to dispose of their lands, country, and move west of the Mississippi, and only required a small sum of money to enable the treaty-making party to purchase the most numerous. The petitioner alleges that he was convinced of the propriety of making some advance, and did actually advance the sum of \$10,000 in the month of January, 1828, and with which he forwarded the vouchers, which showed that he had disbursed the whole amount of the \$10,000 except \$12 50. He further states that several years after he exhibited his accounts and vouchers, he received a letter from the second Auditor calling on him for an account of his disbursements as commissioner ; which he was unable to render, because his vouchers were sent with his former accounts, and he had kept no copy, and made his first account from the vouchers, and made out his last from memoranda, which he made at the time of payment : that his last account was imperfect, and there was a balance due the United States, &c. He states that suit has been instituted against him, and judgment obtained to the full amount of \$5,000 and in-