

HENRY S. COMMAGER.

[To accompany bill H. R. No. 326.]

APRIL 10, 1844.

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

REPORT :

*The Committee on Indian Affairs, to whom were referred the claims of Henry S. Commager against divers Indians of the Ottawa tribe, have had the same under consideration, and report :*

The claimant in this case prays the passage of an act for his relief, on the following facts, which have been satisfactorily shown to the committee. He is the assignee of a certain E. W. Hedges, in respect to certain claims against the Ottawa Indians. They consist of the notes of the Indians for small sums, amounting in all to \$223 84. On the 14th of August, 1837, the chiefs, headmen, and warriors of the Ottawa band of Indians assembled in council at Maumee city, Ohio, immediately preceding their emigration to their new homes west of the Mississippi river, (J. McIlvaine, the special agent for their removal, being present,) and there recognised the justness of these claims to the amount of \$206 31, and requested the Government of the United States to pay the said debts out of the annuity which might then be, or should afterwards fall due their band of Indians. A copy of the proceedings of that council is appended to this report. No impeachment is made of the fairness and regularity of this council; and it must be evident that, with the assurance here given, the claimant was induced to permit the Indians to emigrate without molestation or annoyance. He considered this request (as he had a right to do) as an order by the recognised authorities of the nation upon the Government of the United States, which had stipulated to pay the tribe annually a certain amount of money. The executive department has no authority to reserve this amount, without the authority of Congress, for the claimant; and therefore an appeal is made to Congress.

Similar claims were authorized by the last Congress to be paid out of the Ottawa annuity, upon a similar requisition. The only difference in the two cases is this: The claims authorized to be paid by the act of the last Congress were recognised by the chiefs, headmen, and warriors, at a council held after their removal to their new homes in the far west, two years after the first council. But, from a letter of Hon. E. D. Potter, hereto annexed, it appears this claimant knew nothing of the new council, and could not have presented his claims.

Under the circumstances, your committee think that substantial justice would be done, both to the white man and the Indians, by authorizing the payment of their acknowledged debts out of the Ottawa annuity, and report a bill accordingly.