

REPORT IN RELATION TO DEPOTS ESTABLISHED IN ARKANSAS, BY C. A. HARRIS, FOR EMIGRATING INDIANS.

APRIL 12, 1842.

Laid upon the table.

Mr. JOHN T. STUART, from the Committee on Public Expenditures, made the following

REPORT :

The Committee on Public Expenditures, in the course of their investigations, have become acquainted with some facts connected with the establishment and maintenance, by C. A. Harris, while Commissioner of Indian Affairs, of depots in Arkansas for the subsistence of emigrating Chickasaws and other Indians, which they deem of sufficient importance to be laid before the House.

The committee have not thought it necessary to make a thorough investigation of this whole subject, as it is understood that the War Department have ordered such an inquiry to be instituted, and therefore better calculated to elicit the whole truth.

It would seem that, on the 26th of April, 1837, C. A. Harris, as Commissioner of Indian Affairs, addressed a letter to Lieutenant J. B. Grayson, assistant commissary of subsistence at New Orleans, directing him to make *immediate* purchase of Indian rations to the amount of \$200,000. It will be seen, from the letter of the present Commissioner of Indian Affairs, dated February 18, 1842, that these provisions were purchased in *open market*, in the city of New Orleans. No previous notice was given that proposals would be received for the supply of these provisions by contract, to procure that supply by the *lowest bidder*, and at the least expense to the Government. The 13th section of the act organizing the Indian department, approved the 30th of June, 1834, provides, "that all *merchandise* required by Indian treaty shall be purchased under the direction of the Secretary of War, *upon proposals to be received, to be based on notices previously to be given.*" The regulations of the Department apply the term *merchandise* to all Indian supplies. It is plainly to be seen, that by this letter of the Commissioner, and its execution by purchasing these supplies in the *open market* in the city of New Orleans, the provisions of the law were directly violated. These supplies were purchased for, and afterwards shipped to, the depot in Arkansas.

The committee, in justice to Mr. Harris, refer to the following letter, addressed by him to Captain Collins, as explanatory of his reasons for the purchase of these provisions and his establishment of these depots :

## WAR DEPARTMENT,

Office Indian Affairs, April 26, 1837.

SIR: It has been deemed advisable to make a purchase of provisions at New Orleans, for the subsistence of Indians west of Arkansas, in order to guard against any failure of supplies by contractors or otherwise. The assistant commissary of subsistence at that city will accordingly purchase two millions of Indian rations immediately, for which funds have been forwarded to him. An agent will be appointed by this office, to receive the property at New Orleans and forward it to Fort Gibson; and it is intended that this business shall be so transacted as that the rations shall be carried to their destination during the present season of navigation on the Arkansas.

This measure has been adopted, as one of prudent precaution, and the provisions thus obtained are designed to meet any emergency which may occur in the subsistence of Indians generally, and will be reserved for that purpose.

Very, &amp;c.

C. A. HARRIS.

Capt. R. D. C. COLLINS,  
Principal Disbursing Agent, Ind. Dept.,  
Little Rock, Arkansas.

It will be seen, from this letter, that the object of the Commissioner was "to guard against any failure of supplies, by contractors or otherwise;" that it was adopted as a measure of "prudent precaution." While the committee are willing to concede correctness of motive in adopting these precautionary measures, they cannot find, in the facts of this case, any *justification* for a *failure* on his part to comply with the positive enactments of the law. They can find no satisfactory reason to justify him in purchasing these provisions [at New Orleans,] rather than at St. Louis, Louisville, or Cincinnati, where they could have been purchased at a less cost to the Government.

The consequence to the Government happening from this violation of the law by the Commissioner, and from the manner and place at which the purchase was made, may be seen by a reference to the following statement, furnished by the Second Auditor:

*Statement showing the disposition of and loss accruing on provisions purchased in 1837, and sent to Arkansas, for the subsistence of emigrating and other Indians, &c.*

Lieutenant J. B. Grayson purchased, under authority of the Indian department, provisions amounting to the sum of	-	-	-	\$200,000 00
Of which he issued the value of	-	-	\$3,925 49	
And turned over to Captain Brown the residue	196,074	51		
				<u>200,000 00</u>

Captain Brown sent the amount received by him to Captain R. D. C. Collins, who has accounted for the same in the manner following:

Issued to Indians	-	-	-	-	\$46,861 60
Sold by him for \$5,009 18 a quantity, (part of amount,) which cost	-	-	-	-	16,974 45

Turned over to Glasgow & Harrison, in lieu of which they were to issue an equal number of rations of other kinds of provisions	\$114,556 00
This value, represented to be spoiled and lost in various ways, and for which he claimed credit, but has not yet received it, for want of satisfactory evidence of the facts alleged	17,682 46
<b>Making, as above</b>	<u>196,074 51</u>
Loss accruing, as follows :	
Loss on amount sold	\$11,965 27
(Captain Collins has received credit for this in the settlement of his accounts, he having satisfied the accounting officers that the loss was owing to the damaged condition of the provisions, which it was not in his power to prevent.)	
This value represented by him to have been spoiled, and in various other ways destroyed and lost, but for which he has not yet received credit	17,682 46
	<u>29,647 73</u>
If to this be added the difference between the cost of the provisions turned over to Glasgow & Harrison, and of those issued by them under contract, in lieu thereof	37,164 76
<b>The entire loss will be</b>	<u>66,812 49</u>

But, as Glasgow & Harrison issued an equal number of rations to the Indians, the Government sustained no real *loss* by the exchange. It does not appear that any loss accrued on account of any other provisions issued by these contractors.\*

The above-named provisions were paid for out of the general appropriation for "removing and subsisting Indians;" therefore, no part of the loss has fallen on any appropriation for fulfilling or carrying into effect any treaty.

TREASURY DEPARTMENT,  
Second Auditor's Office, October 4, 1841.

This statement shows a loss to the Government of \$66,812 49. The committee think to this sum ought to be added the difference of cost of these provisions at New Orleans, over that at which they could have been purchased at St. Louis, Louisville, or Cincinnati, which, including additional freightage, insurance drayage, &c., they estimate at 15 per cent., amounting, upon the investment of \$200,000, to \$30,000; adding the latter to the first amount, and we have a loss to the Government of \$96,812 49, consequent upon this violation of law by the Commissioner.

The committee would also refer to the statement of the Second Auditor, in relation to the losses to the Chickasaw fund, as connected with these

\* *Note by committee.*—If Glasgow & Harrison issued under their contract *inferior provisions* to those they received of the Government, this *difference of value* is clearly to be set down among the losses of the Government.

Arkansas depots. This statement is appended, and marked A. This statement shows a loss of \$31,034 57.

The Second Auditor says that Clark and Thompson are accountable for this amount; but as nearly four years have elapsed, and they have accounted for no part, it may, without doubt, be set down among the losses of the Government. When the two sums are added, it makes the total of losses sustained at the Arkansas depots, in 1837, amount in round numbers to \$127,847 06.

The public mind is undoubtedly impressed with the conviction that there has been an improper use made of the funds appropriated for the Indian bureau, or that a laxity in the disbursement of those funds has prevailed, which opened a wide door for individual favoritism, at the expense of the Government or of the Indians. Whether the facts stated and presented in this case are calculated to weaken or strengthen that conviction, the committee will not take it upon themselves to decide, but leave the House and the public to judge.

#### C. A. HARRIS'S RESIGNATION.

The committee, in connexion with the case above referred to, and with a like purpose of showing the want of *accountability* and *faithfulness* on the part of Executive officers whose duty it is made to see that the laws are faithfully executed, would beg a careful attention to the facts which they proceed to detail.

On the 4th day of July, 1836, C. A. Harris was appointed Commissioner of Indian Affairs. During his continuance in this office, he *assumed* to take upon himself the office of disbursing agent of that department, claiming that, as Commissioner of Indian Affairs, he had the right *ex officio* to exercise that of disbursing agent. He was permitted thus to act for the space of a year, in violation of the sound principle which would place these offices in separate hands, making them checks the one upon the other. These offices had always before that time, and ever since have been, thus separated. The unbridled control which this union of the two offices gives the officer over the large disbursements of the Indian department needs no comment. It opens a wide field, in which, without any check, a dishonest officer may speculate, for his private gain, with the public funds. This might be done in many ways, and with but little risk of detection. It could easily be done by withdrawing the public funds from the Treasury before required for disbursement in the public service, and place them on deposit in some bank, at interest, or in the sale of exchange. The committee have much reason to believe that this has been done, in many instances; but they refrain at present from any specific charge, wishing now only to point attention to the temptation to which the officer and the danger to which the public funds are exposed by the union of the two offices.

On the 19th of October, 1838, Mr. Harris resigned his office of Commissioner of Indian Affairs. This resignation is made by a letter of that date to the Secretary of War, of which we furnish a copy, and which letter was endorsed, "*Accepted—M. V. B.*"

WASHINGTON, October 19, 1838.

SIR: I have the honor to acknowledge the receipt of the explanation offered by me of the letter of General Porter of the 28th ultimo, with the endorsement of the President requiring further information.

As the statement which I have made has not only failed to prove satisfactory, but even, as it would seem, to gain belief, and as I have no guarantee that what I could say in addition would meet with a better fate, I must decline, at least for the present, any further attempt at explanation. But as it is evident there is a want of confidence in me, I cannot, with any regard to my own self-respect, remain longer in my present situation. I hereby resign the office of Commissioner of Indian Affairs.

Very respectfully, your obedient servant,

C. A. HARRIS.

Hon. J. R. POINSETT, *Secretary of War.*

A cursory examination of this letter of resignation will satisfy the reader that the letter of Porter to Mr. Harris contained matter of mysterious importance. When, in the absence of Mr. Harris, this letter of Porter found its way into the hands of the chief clerk, its contents were to him so startling that he felt himself constrained, by a sense of duty, to lay the letter before the Secretary of War. Mr. Poinsett, under similar impressions, no doubt, laid it before President Van Buren. The sentiment with which that letter inspired the President is manifested by his call upon Mr. Harris for an explanation. Mr. Harris's letter of resignation informs us that he attempted an explanation, which was not satisfactory to the President. When called on to make a further explanation, which being unable or unwilling to do, he *is permitted* to resign his office. The committee, attracted by the important consequence following this letter of Porter to Harris, and induced to believe, from the mystery thrown around this resignation, that something was "rotten in Denmark," which it was their duty to investigate, made a call upon the Secretary of War for this entire correspondence. To this call the reply was received which follows :

DEPARTMENT OF WAR, *February 23, 1842.*

SIR : In answer to your letter of the 18th instant, embracing a resolution of the Committee on Public Expenditures, requiring "copies of a correspondence which took place in October, 1838, between Mr. Van Buren, President of the United States, and C. A. Harris, then Commissioner of Indian Affairs, and consisting of the following letters—one from Mr. Porter to Mr. Harris ; one from the President to Mr. Harris, calling for explanations of the letter of Porter ; the reply of the President ; and the resignation of Harris"—I have to enclose a copy of Mr. Harris's letter of resignation, with endorsements, showing that the President accepted it. This is the only record or paper that can be found in the Department relating to the subject.

Very respectfully, your obedient servant,

JOHN C. SPENCER.

Hon. A. L. LINN,

*Chairman Com. on Public Expenditures, H. R.*

The correspondence *was* in the *War Department* as late as the spring of 1841, just before Mr. Poinsett left that Department, as sworn to by Mr. Cochrane. Why, then, is it now among *the missing*? A copy of the letter of Porter was made out for Mr. Poinsett ; he refused to surrender the original to Mr. Harris. It was made the foundation of an official correspondence between two high officers of the Government, evidently in relation

to the official misconduct of one of them. In all its bearings, the whole correspondence was *official*. Why, then, has it been *abstracted* from the proper office, where it had been kept for more than two years? Why is it now only a matter of conjecture, but that conjecture prompts to a desire for *concealment*? By whom these papers have been abstracted the committee cannot assert; but the evidence of Mr. Cochrane, (which is appended,) traces them last into the hands of Mr. Poinsett.\*

To ascertain the contents of this letter of Porter to Harris, the committee resorted to parol testimony. The result will be found in the deposition of D. Kurtz, who then was, as he is now, chief clerk in the Indian bureau. He states that the Porter letter reached his hands while acting as principal clerk, and that the contents were of such a character as to determine him, under a high sense of duty, to lay it before the Secretary of War. He informs us that the contents of this letter related to certain lands in Mississippi belonging to the Indians, and made propositions for securing certain reservations for the benefit of the *writer* and Mr. Harris, who was regarded as a *partner* in the speculation, and was to profit by the lands, if reserved. That Mr. Harris, as Commissioner of Indian Affairs, had to adjudicate upon these reservations, holding the power to award the lands to whomsoever purchased. The letter referred to certain persons, among others to Mr. Birchard, who were to be *met* and *overcome in some way*, to secure the lands. Witness also states that he had remonstrated with Mr. Harris for drawing *so freely* upon the funds of the Department, to be disbursed through his agency.

The facts here disclosed, as connected with this case, present a public officer *as assuming* questionable powers, which gave him absolute control over the moneys appropriated for the Indian department. They present that officer as being suspected of using these moneys in partnership with another individual, in purchasing Indian reservations, of the validity of which purchase he was *ex officio* to be the judge. When called to explain the circumstances leading to his suspicion, he is unable or unwilling to do so satisfactorily. And worse than this, with all these facts before the President, this officer is *permitted* to resign, without any further investigation being had; and the papers which would afterwards lead to the detection of his misconduct are destroyed or abstracted from the office in which they had been placed.

The committee refer to the evidence connected with this case, appended hereto, and marked B.

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A.

*A statement showing the amount of provisions purchased by officers and agents of the Government, and paid for out of funds belonging to the Chickasaw Indians.*

To amount of provisions purchased	-	-	-	\$746,271 92
By amount of provisions issued	-	-	-	704,989 49
Difference between the purchases and issues	-	-	-	<u>41,282 43</u>

\* See letter of Mr. Poinsett, received after the report was drawn.

How disposed of:			
Amount turned over to L. N. Clark	-	\$32,674	00
Amount turned over to D. Thompson	-	1,565	93
Amount sold, (cost of)	- -	7,042	50
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Total turned over and sold	- - -	41,282	43
From which deduct amount accounted			
for by L. N. Clark	-	\$5,476	78
And amount received from			
sales of provisions	- -	4,771	08
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		10,247	86
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Lost or in danger	- - -	31,034	57
Thus:			
In the hands of Mr. Clark	-	27,197	22
In the hands of D. Thompson	-	1,565	93
Loss on sales of provisions	-	2,271	42
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		31,034	57
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NOTE.—Of the amount (\$28,763 15) unaccounted for by Messrs. Clark and Thompson, I beg leave to remark that, as those persons are under bonds to your department or its agents, Captains R. D. C. Collins and G. Morris, it is presumed that, if proper steps are or have been taken to secure the just rights of the Indians, no loss will ultimately ensue to them from this source; in which case, the actual loss to the Indians, on this large purchase, will be the amount (\$2,271 42) incurred by sales.

SECOND AUDITOR'S OFFICE.

## B.

### *Testimony of David Kurtz.*

Question 1. Are you a clerk in the office of Indian Affairs, and how long have you been so employed?

Question 2. Can you state to the committee what were the contents or subject-matter of the letter spoken of by Mr. Cochrane, and being the letter from Mr. Porter to Mr. Harris?

#### *Mr. Kurtz's statement, in reply.*

The letter referred to, it is believed, was signed by a person of the name of Porter, received at the office of Indian Affairs some time in September, or perhaps October, 1838, and related to certain lands belonging to the Indians in Mississippi, making propositions for securing certain reservations for the benefit of the writer, and, as I apprehend, Mr. Harris, who was looked upon by me as a party in the speculation, and was to profit by the lands, if reserved; and, as Commissioner of Indian Affairs, his action was necessary—he holding the power to award the lands to whomsoever purchased, &c. This letter came into my possession as the principal in the office at that day, (Mr. Harris being absent on a visit of business,) opened, as was said, by Mrs. Harris, the Commissioner's wife, or for her by the messenger, who delivered all the mails to her, for her perusal, prior to their delivery at the office, pursuant to Harris's directions. The purport or contents of the letter, as far as then read by me, determined me to bring it to the no-

tice of the Secretary, and it was placed in his hands accordingly; the knowledge of the facts therein contained produced Mr. Harris's resignation, early in October, 1838.

The letters were not filed in the office of Indian Affairs, but retained, as I have always understood, in the office of the Secretary, but not placed on the *files* of the office.

I have been a clerk in the office of Indian Affairs since the early part of 1827.

On Mr. Harris's return, he called for all the unofficial or private letters received; he was furnished with all, except the one in question. I called on the Secretary, and asked him to give it to me for delivery; which he did not do—having, as he stated, laid it before the President, for his information—but authorized me to say to Mr. H. that he (the Secretary) had it, and would give it to him himself; which I communicated accordingly; and that was the last conversation I had with Mr. Harris.

The letter referred to several persons, among whom was Mr. Birchard, solicitor of the Land Office, who were to be met and overcome in some way, to secure the lands.

Previous to this affair, I several times remonstrated with Mr. Harris against his drawing so freely upon the funds of the Department, to be disbursed through his agency, which produced some unkind feelings on his part, and induced him to adopt some measures, in relation to business, calculated to mortify me, and produce my resignation; and, no doubt, one was, to cause the letters to be opened by his wife before they came to my hands. This, and other circumstances, induced me to be very guarded in all my actions in matters concerning him, lest I might be charged with hasty proceedings, tending to his injury; all which I desired to guard against.

D. KURTZ.

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*Examination of John T. Cochrane.*

Question 1. Are you a clerk in the War Department, and how long have you been such clerk?

Question 2. Were there not once upon the files of that Department a correspondence between President Van Buren and C. A. Harris, late Commissioner of Indian Affairs, and consisting of the following papers, to wit: A copy of a letter from Mr. Porter to Mr. Harris; one from Mr. Van Buren to Mr. Harris, calling for explanations of the Porter letter; the reply of Mr. Harris, and the endorsement thereon of the President, that it was not satisfactory?

*Answers by Mr. Cochrane.*

1. He is a clerk in the War Department, and has been so since November, 1831.

2. These papers and correspondence were in the possession of the Secretary of War, (Mr. Poinsett,) but were not regularly on the files of the office. Witness has been lately informed by Maj. Cooper, of the army, who was on duty at the time in the office, that he had delivered this correspondence to Mr. Poinsett a short time before Mr. P. left, and he supposed Mr. P. had taken them when he left the office. The correspondence, although not considered official, was between officers of the Government, relative to the official conduct of one of its officers. Witness cannot state the contents of these papers.



*Examination of John Potts.*

1. He is a clerk in the War Department, and has been so since March, 1836.

2. Witness has charge of the general files of the War Department, and if the papers spoken of had been upon the files, he should have known the fact. The only paper there is the resignation of Mr. Harris.

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WASHINGTON, *March 28, 1842.*

SIR: It occurred to me, after I was summoned before the committee, that, as the committee seemed to attach some importance to the papers connected with the resignation of C. A. Harris as Commissioner of Indian Affairs, it would be well to suggest to Mr. Poinsett, that if he had them, to return them to the Department, in order that they might be laid before the committee, and I accordingly did so. Enclosed is his reply, which, in accordance with his request, I respectfully submit to the committee.

With respectful consideration, your most obedient servant,

JNO. T. COCHRANE,

*Clerk in office Secretary of War.*

HON. A. L. LINN,

*Chairman Committee Public Expenditures, H. R.*

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[*Note by committee.*—This letter was received after the report was drawn.]

PEEDEE, GEORGETOWN, SOUTH CAROLINA,

*March 16, 1842.*

MY DEAR SIR: I have received your letter of the 10th instant, and am sorry to learn that the papers relating to Mr. Harris's resignation are not on the files of the office. Unfortunately, I have no means of ascertaining whether they exist among my private papers, as these were all left at my summer residence near Greenville, in this State. The circumstances which led to Mr. Harris's resignation are as follows: He was, as you are aware, a very intelligent, zealous, and active officer; and I was equally grieved and surprised when his chief clerk, Mr. Kurtz, while acting as the head of the Indian bureau, during the temporary absence of Mr. Harris, brought me a letter addressed to that gentleman by a Mr. Porter, stating that it was, he believed, intended to be a private communication; but, finding in it matters of public concernment, affecting the character of his superior, he had thought it proper to lay it before me. I accordingly perused it; and finding, from its tenor, that Mr. Porter counted too much upon the good offices of Mr. Harris to effect certain objects connected with his land speculations, I thought it my duty to submit the matter to the President. Mr. Van Buren made an endorsement on the letter, requiring explanations from Mr. Harris, which were given; but, not proving fully satisfactory, the President so stated, and reiterated his demand. On returning the paper to Mr. Harris, he said that he feared nothing he could say would prove satisfactory, or restore to him that confidence which his superiors ought to

repose in him, to enable him to discharge his duties properly. He preferred, therefore, to tender his resignation, rather than make any further explanations. He did so, and it was accepted. I regret exceedingly that these papers were not left on the files, as they would have proved to the most suspicious and skeptical that the President deserved the highest credit for promptly noticing the slightest appearance of a want of official integrity on the part of a public officer. On my return to Greenville, I shall doubtless find this correspondence, and will assuredly return it to the Department, whence it ought never to have been withdrawn.

Be so good as to communicate this statement to the committee, after exhibiting it to Mr. Kurtz.

With great regard, I am dear, sir, yours truly,

J. R. POINSETT.

That the committee desired to attach some importance to the report connected with the resignation of E. A. Harris as Commissioner of Landers. About it would be well to suggest to Mr. Poinsett, that if he had been to return them to the Department, in order that they might be laid before the committee, and I accordingly did so. Enclosed is his reply which, in accordance with his request, I respectfully submit to the committee. With respectful consideration, your most obedient servant.

JNO. T. COCHRANE

Chief in office Secretary of War

Hon. A. I. Lane

Chairman Committee Public Expenditures, V. B.

[Note to committee—This letter was received after the report was drawn.]  
 PRINCE GEORGE COUNTY, SOUTH CAROLINA  
 March 15, 1842

My Dear Sir: I have received your letter of the 10th instant, and am sorry to learn that the papers relating to Mr. Harris's resignation are not on the files of the office. Unfortunately, I have no means of ascertaining whether they exist among my private papers, as there were all left at my former residence near Greenville in this State. The circumstances which led to Mr. Harris's resignation are as follows: He was as you are aware, a very intelligent, zealous, and active officer; and I was equally pleased and surprised when his chief clerk, Mr. Kurtz, while acting as the head of the Indian Bureau, during the temporary absence of Mr. Harris, brought me a letter addressed to that gentleman by a Mr. Foster, asking that it be believed, intended to be a private communication; but, finding in the matter of public concern, affecting the character of his superior, and had thought it proper that it should be so. I accordingly pursued it, and finding from its tenor that Mr. Foster's communication was upon the resignation of Mr. Harris, after certain papers connected with his resignation, I thought it my duty to submit the matter to the President. Mr. Van Buren made an endorsement on the letter, requesting explanation from Mr. Harris, which was given but not proving fully satisfactory, the President's answer, and returned his demand. On returning the letter to Mr. Harris, he said that he found nothing in it which would create suspicion, or induce to believe that confidence which the President had

[To be appended to Rep. No. 604.]

DEPOT—EMIGRATING INDIANS—ARKANSAS.

MAY 16, 1842.

Printed by order of the House of Representatives.

*Letter from Thomas J. Porter, to the Chairman of the Committee on Public Expenditures.*

BROWN'S INDIAN QUEEN HOTEL, *Washington.*

SIR: Happening to be here on business to-day, I was met by a friend, who called my attention to a report from the Committee on Public Expenditures, in which the committee have been induced, by the testimony of one D. Kurtz, to attach a "mysterious importance" to a letter written by me to Mr. C. A. Harris, while Commissioner of Indian Affairs, in 1838.

This Kurtz says that I "proposed in said letter to secure certain Indian reservations in Mississippi for myself and Mr. Harris, as partners; and that Mr. Harris, as Indian Commissioner, held the power to award the lands to whomsoever purchased; that Mr. Birchard, solicitor of the Land Office, was to be met and overcome." Permit me to say that the affidavit of Kurtz, in every point and particular, is incorrect, except that I did write a letter to Mr. Harris, in the latter part of the summer of 1838, which was a private confidential letter, and was violated in the absence of Mr. Harris. As to the charge of buying Indian reservations, &c., I have to state that I never was, directly or indirectly, interested with Mr. Harris in the purchase of Indian reservations; I never had bought any land for him, directly or indirectly; I had never sold him any, directly or indirectly; I did not know of Mr. Harris owning any lands, or claims to lands or reservations, in any State or Territory of the United States; I never had received any money from him, to purchase lands or reservations, or any thing else whatever; nor did I know, until informed by your report now before me, that Mr. Harris, while Commissioner of Indian Affairs, ever had control of any money whatever, other than his yearly salary. The testimony of Kurtz is, therefore, to say the least, erroneous, so far as relates to me; and has induced the committee to draw inferences, natural enough, from such testimony, prejudicial to my character; and I feel sure that they will permit themselves to be made the channel through which a just correction can be given.

Permit me now further to add and explain. I wrote a letter in the latter part of the summer of 1838, to Mr. Harris, which was a *private* letter, and so marked; which letter came to hand in Mr. Harris's absence, and was violated and withheld for a time. This letter was written in answer to a

letter of Mr. Harris, which I received at Chillicothe, Ohio, where I was confined by sickness, in which he informed me he intended to quit Washington, and resettle in the South, and asked my advice as to where he should go, and what he should do to make money. In answer, I referred to several places and avenues to wealth, &c., and called his attention to a claim which I had then, and yet have, pending before the Commissioner of the Land Office, in which I claimed to enter township 24, range 8 west, of the Chocchuma district, Mississippi, at \$1 50 per acre, as a *purchaser at public sale*; and informed him I could not come on to attend to it, being sick, and offered him an interest in it, (and perhaps had written a previous letter, and made the same offer,) if he would attend to it, employ counsel, &c. I herewith file the certificate of Judge Huntington, Commissioner of the Land Office, stating the nature of the claim; that the decision of the question belonged to the Treasury Department, and could not go before the Indian department. There had been some spurious Indian claims located on this land in 1835, rejected in 1835 by the Secretary of War and the President, long before Mr. Harris was placed over the Indian department. My application was made before the Land Office, by letter, 31st July, 1837, a copy of which is herewith filed. I had no connexion with any Indian claim; mine was a simple claim to have purchased the lands at public sale, as the highest bidder, at \$1 50 per acre. Knowing that the claim was not before the Indian department, and could not, by any sort of appeal or transfer, get before it; not being acquainted with any person at Washington on whom I could rely so much, not supposing, then or now, that there was any impropriety in it, I asked his attention to it; and knowing he was poor, and the claim large, I offered to pay him an interest in the land when gained:

But the part of this letter which gave most offence has not been referred to. I satirized the President, his son, Mr. Grundy, and perhaps Mr. Poinsett, with a severity that confidential correspondence justifies and protects among honorable men.

The reference in his testimony to Mr. Birchard is a misapplication, and refers to what I said of Mr. Grundy. I asked Mr. Harris to take an appeal for me to the Secretary of the Treasury; that then the favorable opinion of Attorney General Grundy was necessary; and, as Mr. Grundy was my political and *personal* foe, I wished him to present the principles of the case to Mr. Grundy, and commit the integrity of his opinion in advance, before he knew that I was concerned, because I found his personal hostility to me would prejudice his action.

The original letter is in the hands of Mr. Harris, at Little Rock, and I pledge myself that it shall be forthcoming; for I greatly desire that the correspondence shall be published. In the meanwhile, I hope the committee will append this letter and the letter of the Commissioner to their former report, to arrest the unjust impression that is going forth from their said report.

Your obedient servant,

THOMAS J. PORTER.

Mr. A. L. LINN,

Chairman of the Committee on Public Expenditures.

GENERAL LAND OFFICE, *April 26, 1842.*

At the request of General Thomas J. Porter, of Mississippi, I state that his claim to certain lands of the United States, as brought before this office by his letter of the 31st of July, 1837, is predicated upon a bid alleged by him to have been made at the public land sales at Chocchuma, Mississippi, in the year 1835, of one dollar and fifty cents per acre; that said lands are now either subject to his claim, or to be proclaimed by the United States and sold to the highest bidder, like other public lands. General Porter's claim has very recently been brought to my attention, it being a question the decision of which peculiarly belongs to the Treasury Department, and with which the Office of Indian Affairs has no connexion, as far as I am advised.

E. M. HUNTINGTON,  
*Commissioner of the General Land Office.*