

Rep. No. 737.

[To accompany bill H. R. No. 541.]

HOUSE OF REPRESENTATIVES.

ROBERT B. MITCHELL.

JUNE 27, 1848.

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

REPORT:

The Committee on Indian Affairs, to whom was referred the petition of Robert B. Mitchell, report:

The petitioner entered upon the duties of sub-agent of the Potawatomie Indians in November, 1845; having succeeded one Elliott in that office, whose duties terminated in October previous. In August, of that year, there was placed in the hands of Elliott the requisite funds for the first and second quarters; and, in February, 1846, in the hands of Mitchell, those applicable to the disbursements in the third and fourth quarters. Mr. Elliott, having a balance on hand of the funds turned over to him, paid the third quarter's salary to Russell, the miller; the usage of the office sanctioning the use of funds remitted for one quarter for services rendered in another or subsequent quarter; provided, they are for the same or similar objects, and under the same head of appropriation. This payment was accordingly allowed Elliott in the settlement of his account with the Indian Department.

In February, 1846, Mitchell, on the application of Russell, paid him \$300, his salary for the third and fourth quarters of the same year; he having no knowledge that the salary for the third quarter had been previously paid by Elliott.

In August, 1846, Mitchell's charge for this quarter's payment was disallowed by the department, on the ground that it had been previously paid by Elliott; but it does not appear that he had any notice of this payment until that time. Russell was discharged from service in April, 1846. Mitchell claims that funds having been turned over to him to pay this quarter's salary, and having no notice of its previous payment, he was fully justified in its payment; and that the amount (\$150) should be allowed him.

The committee are of this opinion, and, therefore, report the accompanying bill.