29th CONGRESS, 1st Session. Rep. No. 287. HO. OF REPS.

AARON B. MEAD AND OTHERS.

FEBRUARY 17, 1846.
Read, and laid upon the table.

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

REPORT:

The Committee on Indian Affairs, to which was referred the petition of H. S. Commayer, on behalf of Aaron B. Mead and others, for the payment of certain claims against the Ottowa Indians, report:

That the petitioner asks Congress to pass an act to authorize the payment of an order signed by eight chiefs, head men, and warriors of the Ottowa tribe of Indians, out of any moneys due, or to become due, to said tribe from the United States; which order bears date the 30th day of August, 1837.

By this order the President of the United States is requested to pay, out of specific funds mentioned therein, the several sums to the individual creditors named in the following list:

No. 1.	John E. Hunt	$2,018 35
2.	Forsyth & Hull	1,455 38
3.	R. A. Forsyth	1,317 00
4.	Isaac Hull	145 00
5.	S. A. & J. H. Sargent	202 80
6.	Elisha Mark	84 57
7.	A. B. Mead	63 91
8.	N. Gee & Co.	104 67
9.	J. H. Forsyth	935 48
10.	John Hollister	1,000 00
11.	G. B. Abell & Co.	982 32
12.	William Fowler & Co.	21 50
13.	S. L. Collins & Co.	177 00
14.	George McKay	6 00
15.	Thacher & Whiting	18 00
16.	John Race	26 06
17.	G. & H. Humphrey	3 88
18.	John Patrick	120 00
19.	Chase, Sill, & Co.	26 13
20.	Samuel Alcott	100 00
21.	Steamboat General Brady	62 52
22.	Goodhue & Co.	11 44
23.	Smith, Green, & Co.	79 35

Ritchie & Heiss, printers.

No. 24.	A. Jessup	$22 75
25.	Porter Kelsey	15 00
26.	Welcome Pray	8 50
27.	E. W. Hedges, $189 31; E. W. Hedges, $10	199 31
28.	James Kinney	133 70
29.	Spears & Hutchinson	26 55
30.	O. Williams & Co.	23 76
31.	Francis Pulah	22 00
32.	Dayton Riley	23 25
33.	Mrs. Taylor	6 00
34.	Mark Evans	6 00
35.	N. O. Archer, for T. E. Green	44 08
36.	G. H. Brown	1 00

These claims amount, in the aggregate, to $9,508 16. In 1843 Congress passed an act authorizing the payment of $7,302 78 on account of these claims. This act, however, was not in pursuance of the order above mentioned, but of another made by nineteen chiefs and head men of the Ottowas, at their new homes beyond the Mississippi, on the 2d of September, 1839.

This order is nearly the same in substance and language as the one of 1837, and concludes with this language:

"The following is a list of the claims which, on our behalf, we are *willing to allow, and wish paid:*"

To Forsyth & Hull	$1,455 38
R. A. Forsyth and others	2,529 00
Elisha Mark	84 57
Isaac Hull	195 00
James H. Forsyth	935 48
B. F. Hollister	50 00
James Wilkison	35 00
John E. Hunt	2,018 35

On referring to the list of creditors first given, it will be seen that the claim of R. A. Forsyth is set down at $1,317 00; in the list last quoted "R. A. Forsyth and others" are allowed $2,529 00. The committee have no means of ascertaining to what "others" the balance of $1,212 00 over and above R. A. Forsyth's individual claim was paid, or intended to be paid. It must be presumed, in the absence of all proof to the contrary, that these other creditors are among those whose claims were allowed by the council of 1837. Indeed, the Committee of Claims, in their report upon the application of John E. Hunt and others, at the 2d session of the 27th Congress, say that "these claims were presented and payment demanded," and that they "were examined and allowed" by the council of 1837.

The petitioner represents that of the $9,508 16 admitted to be due by the order of 1837, $6,424 89 have been paid, leaving a balance still unpaid of $3,083 27.

The act of 1843 made an appropriation of $7,302 78 for the payment of these claims, $7,252 78 of which have been expended; leaving a balance of $50 of the appropriation in the treasury.

It is to be observed that the order of 1837, in virtue of which the present

claims are pressed, was made when a part of the tribe were about to remove to the west of the Mississippi, and when "the claimants were opposing obstacles to the removal of the debtors." Adding to this the fact that that order was signed by only eight of the chiefs and head men of the tribe, raising a doubt as to their authority to investigate and allow these claims, your committee do not feel authorized, as at present advised, to recommend the interposition of Congress.

The act of the 28th Congress, 1st session, authorizing the payment, under the last-mentioned order, of the claim presented by H. S. Commayer, assignee of E. W. Hedges, as well as the bill reported by this committee at the second session of that Congress, "for the relief of John Hollister and others," cannot, in view of the facts, be considered as safe precedents. This is sufficiently proved by the following statement:

Amount authorized to be paid to John E. Hunt and others by act of 1843 - - - - - - -	$7,302 78
Amount authorized to be paid to H. S. Commayer, assignee of E. W. Hedges, by act of 1844 - - - -	223 84
Amount proposed to be paid by bill of 2d session of 28th Congress to John Hollister and others - - -	3,273 33
	10,799 95
Aggregate amount of order of 1837 was - - -	9,508 16
Showing an excess of - - - -	$1,291 79

It will be thus seen that these precedents would defraud the Ottowa Indians of over *twelve hundred dollars.*

In reference to the bill reported by this committee at the second session of the last Congress, it is deemed proper to say that it was founded on a misconception of the facts, induced by the imperfect or erroneous representations of the papers and proofs before them; that it came up for consideration in committee near the close of the session, amidst the great pressure of business, and that no written report was submitted with it. It is believed that no such bill could have passed the ordeal of this committee after a full investigation.

Without expressing an opinion as to the validity or justice of any individual claim presented by petitioner, the committee are constrained, in view of the foregoing considerations, to recommend that the prayer of the petitioner be denied.