

REPRESENTATIVES OF JOSEPH WATSON, DECEASED.

[To accompany bill S. No. 224.]

JUNE 13, 1854.

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

REPORT.

*The Committee on Indian Affairs, to whom was referred Senate bill No. 224, for the relief of the representatives of Joseph Watson, deceased, report:*

That they have examined all the evidence and documents in this case, and are of opinion that the bill should pass. The following report from the Committee on Indian Affairs, at the present session, in the Senate, presents most of the material facts involved in the case, and is adopted by your committee. The Senate committee say:

“The claim in question has been before Congress for many years, and reports for and against it have been made. That the services for which the claimant asks compensation were rendered, and sanctioned by the head of the Territorial government of Michigan, there can be no reasonable doubt; but, as these services were performed without any provision by law regulating the amount to be allowed for them, the difficulty appears to have been to ascertain their exact value. These services seem to have extended from the year 1806 up to 1812—making six years; during which Joseph Watson performed, when required to do so, the duties of superintendent and storekeeper, for which he received no fair remuneration. In view of the difficulty above referred to, your committee, being desirous to do justice between the government and the claimant, have deemed it proper to consider his claim with reference to an outstanding liability on his part as one of the securities of Henry Ashton, late marshal of the District of Columbia. It appears, from an extract from the docket of the Solicitor of the Treasury, No. 5, folio 200, (herewith filed, marked A A,) that at the November term, 1839, a verdict was rendered in the United States district court for the District of Columbia, in the case of James Williams, one of the six sureties of Henry Ashton, in favor of the United States, for \$8,279 25. It further appears, from a letter from the chief clerk of the office of the Solicitor of the Treasury, (also on file, marked B B,) that, in the year 1842, the representatives of Joseph Watson made an arrangement with the Secretary of the Treasury, by which his indebtedness to the United States as one of the sureties of Henry Ashton, deceased, late marshal of this District, was secured to the satisfaction

of the government, and that the debt so secured 'amounted to about \$1,375,' for which a deed of trust on real estate in this city was executed by them.' From a statement made to Mr. Baldwin, on behalf of the Committee of Claims of the United States Senate, (herewith filed, marked C C,) it appears, that of the appropriations made for the contingent expenses of the Territory of Michigan during the years 1806, 1807, 1808, 1809, 1810, 1811, and 1812, there remained in the treasury, on the 1st of January, 1813, a balance of \$1,050; and that no part of said appropriation appears 'to have been made on account of the Indian department or to *Joseph Watson.*'

"Taking into consideration the circumstances in which the liability on the part of Joseph Watson had its origin, and the fact, admitted on all sides, that the services for which compensation is at present demanded were actually rendered, but not paid for, while a balance of \$1,050 of the appropriations for the contingent expenses of the Territory of Michigan (nearly the amount of said liability) remained in the treasury, your committee think it just that the one should be regarded as an offset against the other. The indebtedness of Watson, for which the property of his representatives is held bound, originated in an act of kindness on his part, from which neither he nor his representatives have ever derived any benefit, and it would seem nothing more than equitable that his services, faithfully rendered, should be received in discharge of that indebtedness. If his appointment had been under a law of Congress, there could have been no difficulty in allowing his salary in discharge of the claim against him as surety of Henry Ashton. The honorable Lewis Cass, who succeeded at the end of the war of 1812 to the duties of superintendent of Indian affairs, has stated, in a letter on file among the papers, that the office which the petitioner held 'was essential to the public service; that the duties were ably and zealously performed;' and 'that it was impossible for the superintendent to discharge personally the various duties required of him by law; and, in point of fact, I have always understood that a large portion of them was discharged by Colonel Watson.' Such being the case, your committee have no hesitation in recommending, that, so far as any liability exists on the part of Watson or his representatives, the claim under consideration be allowed in discharge thereof, and that the property conveyed in trust shall be released from any claim on the part of the United States, for the benefit of his representatives, the present claimants. Your committee, therefore, respectfully recommend the passage of the accompanying bill."

The papers show that Watson during his lifetime, and his heirs since his death, have pressed this claim upon Congress and the Executive departments of the government, commencing in 1814 and continuing up to the present time. In 1828 the Indian Bureau, after a full examination of the claim, admitted the justice of all that part embracing services as secretary of the Indian department and storekeeper for the Territory of Michigan; but referred the claimant to Congress for his compensation, there being no appropriations subject to the control of the Indian department out of which payment could be made. The

claim was presented in 1830 and in 1831. In December of the latter year, it passed the Senate, but was not reached in the House; since which time it has been presented almost every session. Colonel Watson died some years since, and the claim is now in behalf of his representatives. Among the papers is an authenticated copy of the commission appointing Colonel Watson "secretary of the Indian department within the Territory of Michigan," by Governor Hull, governor of that Territory. A similar appointment was recognised in other Territories, and especially in the Territory of Orleans, and, at a subsequent period, in the Michigan Territory. Your committee are of opinion that these appointments by governors of the Territories of civil officers, except those of the highest grade, may have been construed to be authorized by the ordinance of the 13th July, 1787, confirmed by Congress after the adoption of the constitution, and continued in force until 5th February, 1825. But if Governor Hull even exceeded his powers in making the appointment, it is undeniable that Colonel Watson did serve the government as secretary of the Indian department, employed in granting licenses to traders, enforcing the intercourse act of 1802, and reporting its violators for punishment, for a period of six years—from 1806 till 1812. It is also equally undeniable, in the language of General Cass, (and no one could speak more advisedly than him,) in a communication addressed to the honorable James Barbour, Secretary of War, dated in 1827, "that the office itself was essential to the public service in Michigan, and that its duties were ably and zealously performed" by Colonel Watson. "It was impossible," says General Cass, "for the superintendent to discharge personally the various duties required of him by law, and, in point of fact, I have always understood that a large portion of them was performed by Colonel Watson. I should myself be utterly unable to fulfil such a task now without competent assistance." It is equally undeniable that subsequently a similar officer received for the same services the sum of \$600 per annum. This, it would seem, would entitle Colonel Watson's representatives to a gross sum of \$3,600; but they do not now ask Congress to make any such allowance. They only ask to be released from paying a judgment obtained against Colonel Watson by the United States, amounting to \$1,379 87; which judgment was obtained under the following circumstances: Henry Ashton was appointed marshal of the District of Columbia, and defaulted in the sum of \$8,279 25. His sureties were sued, and judgment recovered against them by the United States for that amount in 1840. Colonel Joseph Watson was one of his sureties. In 1842 Congress directed the Secretary of the Treasury to discharge each of the sureties on his paying or securing one-sixth each of the amount of the judgment; and the legal representatives of Colonel Watson executed a deed of trust on certain real estate in the city of Washington for the sum of \$1,379 87, and they now ask to be discharged from that liability, and the deed cancelled, by their relinquishing all further claim against the government arising out of the services of Colonel Watson as secretary of the Indian department and storekeeper in the Territory of Michigan.

Although Watson's claim is an old one, yet your committee believe

that the equity of the case demands that the United States should allow it so far as to discharge a security debt due them by the claimant; and they therefore recommend the passage of the Senate bill, with the following amendment:

In line 14, after "as" strike out "Indian agent," and insert *secretary of the Indian department and storekeeper.*