

REPRESENTATIVES OF DAVID G. BATES.

[To accompany Bill H. R. No. 115.]

MAY 4, 1860.

Mr. WALTON, from the Committee of Claims, made the following

**R E P O R T.**

*The Committee of Claims, to whom was referred House Bill No. 115, for the relief of the legal representatives of David G. Bates, and also the petition of Charity Bates, for refunding lead rents, have considered the same, and report :*

That this claim depends upon the same principles as that of Moses Mecker, reported on the 19th of March last, and also of the claims of J. P. B. Gratiot and Henry Gratiot, and Joseph Hardy and Alton Long, which have heretofore been allowed by Congress.

It appears, by annexed letters from the Treasury Department and General Land Office, that David G. Bates paid 117,431 pounds of lead as rent prior to the dates of the treaties by which the lead lands on the upper Mississippi came into the undisputed possession of the United States.

The petitioner alleges that while this rent was exacted by the United States rent was also exacted by and paid to the Indians, who claimed the land on which the lead mines were located.

Your committee are of opinion that the bill ought to pass.

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TREASURY DEPARTMENT,  
*Second Auditor's Office, March 5, 1860.*

SIR: Your letter of the 29th ultimo to Hon. Howell Cobb, Secretary of the Treasury, enclosing petition of Charity Bates, "asking a return of rents paid on lead," has been referred to this office.

In reply, I have to inform you that no returns of rent lead were made to this office prior to July 1, 1829. The petitioner states that her husband paid those rents from the year 1823 to the time of the treaty between the United States and the Sacs and Foxes, which was ratified February 13, 1833. The only rent-lead paid by David G. Bates that appears in this office was for the fourth quarter of 1831, 4,016 pounds, and third quarter of 1832, 5,546 pounds, making 9,562 pounds. In

the fourth quarter of 1832, 4,899 pounds appear to have been paid by Bates and *Boygus*. The enclosed copy of a letter addressed to John Wilson, esq., on the subject, dated —, will furnish all the information in possession of this office relating to the matter.

The petition of Mrs. Bates is herewith returned.

Very respectfully, your obedient servant,

T. J. D. FULLER,  
*Second Auditor.*

Hon. MASON W. TAPPAN,  
*Chairman Committee of Claims,  
House of Representatives, Washington City, D. C.*

GENERAL LAND OFFICE,  
March 14, 1860.

SIR: I have the honor to return, herewith, the petition of Charity Bates, which you referred on the 10th instant, and, in reply to your inquiry, state that it appears from the returns of the superintendent of the United States lead mines on the upper Mississippi that David G. Bates paid 107,869 pounds of lead for rent prior to July 29, 1829.

I have the honor to be your obedient servant,

JOSEPH S. WILSON,  
*Commissioner.*

Hon. E. P. WALTON,  
*House of Representatives,  
Chairman Committee of Claims.*

IN THE HOUSE OF REPRESENTATIVES, *March 19, 1860.*

Mr. WALTON, from the Committee of Claims, made the following report.

*The Committee of Claims, to whom was referred the petition of Moses Meeker, asking for a return of rent-lead erroneously exacted from him, for mining and smelting in the Upper Mississippi lead mines, report:*

That they have examined the case, and adopt the following report, made by Mr. Davidson, from the Committee of Claims, on the 31st of March, 1859.

“That Moses Meeker, the petitioner, previous to the year 1823 made an arrangement with the Winnebago, Ottawa, Pottawatomie and Chippewa Indians, and obtained from them permission to work certain lead mines on the lands occupied by them on the Upper Mississippi, within the Territories of the United States, and to which their title had not been extinguished.

“Some time after this arrangement was made, it seems that the agent of the United States saw fit to contest the right of Mr. Meeker

to carry on the business of mining and smelting, and insisted upon his paying rent to the United States for the use of the mines, and taking from them a lease or license to that effect. When this interference with the operations of Mr. Meeker first took place appears to have been in the year 1825, as rent was paid during that year by him to the United States, as appears from the receipts of said Meeker and the books of the United States lead agency, now on file in the General Land Office, in Washington, several copies of leases and permits, signed by Lieutenant M. Thomas, superintendent of United States lead mines, the earliest dated in May, 1825, giving Mr. Meeker permission to mine and purchase and smelt lead, stipulating to pay a certain rent therefor, have been exhibited to the committee.

“The Indian title to the land on which the mines were situated was not extinguished until 1829 and 1832, when the treaties of Rock Island and Prairie du Chien were respectfully made (see 7 vol. Stat. at Large, pp. 320 and 370) with different tribes occupying them. From the time the agents of the United States first claimed rent for working of these mines, it appears from a statement furnished by the Commissioner of the General Land Office, with his letter dated January, 1859, that Mr. Meeker had delivered to the United States, up to 1830, the time when the Prairie du Chien treaty went into effect, 125,000 pounds of lead.

“Your committee are of the opinion that the rent so exacted from the petitioner was wrongfully exacted, and that it is the duty of the government to refund the amount so unjustly taken from him. This view has been twice taken by Congress: first, in the year 1848, when Congress passed an act for the relief of J. P. B. Gratiot and Henry Gratiot; and, second, at the present session, in the case Joseph Hardy and Alton Long. Both of the above cases are precisely parallel with the case under consideration; the Gratiots and Hardy and Long mined and smelted in the same neighborhood with Meeker, and their rights rest upon the same foundation.

“Your committee, therefore, do not hesitate to recommend the passage of the bill herewith reported, providing for the liquidation and payment to the petitioner of the value of the lead so received by the United States.”