

BRIDGET MAHER.

[To accompany bill H. R. No. 356.]

MAY 23, 1856.

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

REPORT.

*The Committee on Indian Affairs, to whom was referred the petition of Bridget Maher, praying for relief for the boarding of certain Cherokee Indians, report as follows:*

The facts in this case show that Bridget Maher is, and has been for a number of years, the proprietress of the Western hotel, or Indian house, in Washington city; that it has been resorted to by all the Indians who visit Washington city on business connected with the government; and that she has been accustomed to entertain such visitors, and receive payment of their board bills from the Indian department, not only in cases where it had assumed a responsibility for them previous to their being incurred, but also where the debt had been contracted without the knowledge or consent of the department. Under this state of things, certain Cherokee Indians, professing to have claims against the government, came to Washington city, in May, 1855, and stopped at the house of the petitioner. When received in her house they were in a most miserable condition—sick, worn down, and exhausted, by the fatigues of their journey from North Carolina, which they had performed on foot. During their stay they were carefully nursed and kindly attended by the petitioner, who relied upon ultimate payment of the bills by the Indian department, as in other cases, the Indians themselves being penniless. Upon presentation of the claim to the Indian department, it was refused payment on the ground that these Indians had “come of their own election” to Washington; that, “so far as they had any business with the government, their presence was uncalled for and unnecessary;” and that it was “the policy of the department to discourage unauthorized visits of Indians to the seat of government.” These reasons, under certain circumstances, would be unanswerable, and would afford just grounds for the rejection of claims against the government, had the practice of the department uniformly been to pay *only* such bills as had been contracted by its authority and express sanction. But they are insufficient as against a person who, acting on the faith of previous transactions, which had been recognised and accepted by the Indian department, had simply pursued the usual course, and re-

lied upon a practice which had never before been repudiated. Common justice demands that these bills should be paid, and every principle of law will hold the department responsible for a debt contracted by those to whom its previous acts had given, so far as third persons were concerned, authority to incur it. Mrs. Maher had a right to presume that the Indian department would pay the bills of these Indians, because, in all prior instances, debts contracted precisely under similar circumstances had been cashed without objection. If the department had intended only to hold itself responsible in those cases which met its approbation, it should have given notice of such intention to Mrs. Maher, and thereby guarded her against extending a credit indiscriminately to all Indian delegations who might put up at her house, and thereby protect her from loss, and not have permitted her to rely on a previous practice which was calculated to lead her into error. It is submitted, therefore, with great confidence, that having not only failed to do this, but, on the contrary, created a presumption of its willingness to pay the petitioner the bills of all Indians entertained by her, by cashing former claims arising under similar circumstances, the department cannot, to her injury, repudiate this debt, but may hereafter protect itself, and save harmless Mrs. Maher, by giving notice of its intention to pay no bills but those which may be contracted by its express authority.

The committee therefore recommend the passage of the bill herewith reported.

All of which is respectfully submitted.