

JOHN W. WHITFIELD.

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MARCH 18, 1890.—Committed to the Committee of the Whole House and ordered to be printed.

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Mr. BOOTHMAN, from the Committee on Claims, submitted the following

REPORT:

[To accompany H. R. 8338.]

The Committee on Claims, to whom was referred the bill (H. R. 3644) for the relief of the estate of John W. Whitfield, beg leave to report:

On March 10, 1857, John W. Whitfield became a surety on the official bond of William W. Dennison, as an Indian agent in Nebraska Territory. Afterwards the said Whitfield was appointed register of the land office in the Delaware land district of Kansas.

On March 28, 1861, the Secretary of the Interior ordered all moneys due said Whitfield, as register, to be withheld, subject to the settlement of the accounts of said Dennison as Indian agent. In April, 1861, the said Whitfield, through his attorney, requested the Secretary of the Interior to bring suit on the official bond of the said Dennison and have the matter adjusted, which was not done. In 1869 Whitfield died. In 1884 Mrs. Sarah B. Whitfield, his widow and administratrix, through her duly-appointed agent, applied for a settlement of the account of said register, which was refused, and also applied for a final settlement of his accounts as special register and superintendent of the sales of certain Indian trust lands, under certain Indian treaties, as construed by the Supreme Court of the United States, on March 3, 1884, in the case of one of the four special agents appointed to sell those Indian trust lands, which request was refused, on the ground that it required an act of Congress authorizing or requiring it to be done. She then proposed to compromise with the Government the claim which the United States hold against the estate of her late husband by reason of an alleged defalcation of the said Dennison, which compromise the Solicitor of the Treasury refused to recommend.

In 1887, more than a quarter of a century after the said Dennison had ceased to be an Indian agent, said Solicitor instituted a suit against Sarah B. Whitfield, as surviving wife, and her son John A. Whitfield, as sole heirs at law of the said John W. Whitfield, on the official bond of the said Dennison, in the circuit court of the United States for the western district of Texas, November sessions 1887, number 346, which suit is still pending, and which should not be tried until said defendants are authorized by Congress to make defense, and claim as a set-off, in the trial of said suit, any and all sum or sums of money due to the said John W. Whitfield as register of said land office and as special register and superintendent of the sales of Indian trust lands.

The sole heirs at law of the said John W. Whitfield do not desire to be released from their responsibility in consequence of the said John W. Whitfield being a surety on the official bond of the said Dennis as an Indian agent. They merely desire a final settlement of the question, and in the trial to be permitted and entitled to make defense and claim set-off in favor of the said John W. Whitfield, as provided for in the substitute for bill H. R. 3644, herewith reported.

The committee therefore recommend the passage of the substitute bill.

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