

IN SENATE OF THE UNITED STATES.

FEBRUARY 5, 1850.

Submitted, and ordered to be printed.

Mr. Rusk made the following

REPORT:

[To accompany bill S. No. 100.]

The Committee on Indian Affairs, to whom were referred "documents in relation to the claim of Joseph Watson," have had the same under consideration, and respectfully report :

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 pocket 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,' 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-'7,-'8,-'9,-'10,-'11, and 1812, there remained in the Treasury on the 1st of January, 1813, a balance of \$1,050, and that no part of said appropriations 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 upon all sides, that the services for which compensation is at present demanded were actually rendered, but not paid for, whilst 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 Hon. 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.