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12-28-1837

Thomas T. Triplett

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H.R. Rep. No. 211, 25th Cong., 2nd Sess. (1837)

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THOMAS T. TRIPLETT.

[To accompany bill H. R. No. 247.]

DECEMBER 28, 1837.

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

REPORT:

*The Committee on Indian Affairs, to which was referred the petition of Thomas T. Triplett, report:*

That, adopting the annexed report of the same committee, presented at the first session of the 24th Congress, except that part which relates to interest, they report a bill for his relief.

APRIL 20, 1836.

*The Committee on Indian Affairs, to which the petition of Thomas T. Triplett was referred, report:*

That the petitioner claims compensation for services rendered in 1827 and 1828, in carrying into effect the treaty with the Creeks of 24th January, 1826, as follows:

For his services in assessing the improvements abandoned by the emigrating Creek Indians, including expenses for interpreter, pilot, and horse-hire for each, 157 days, at \$7	\$1,099 00
For his services and expenses, including interpreter, enrolling the Indians without the limits of the Creek nation, at Kymulgee and the Ten Islands, in Alabama, 43 days, at \$7	\$301 00
Horse-hire for interpreter, and ferriage	4 00
	305 00
	\$1,404 00

The petitioner also claims, for his stage-fare to and from Washington, to settle his accounts with the Departments

	\$184 00
For his expenses on the journey, 24 days, at \$1 50	36 00
For his detention at Washington 48 days, at 2 00	96 00
For his expenses at Washington 48 days, at 1 00	48 00
	364 00

\$1,768 00

The petitioner was, during the time the services were performed, sub-agent under Colonel Crowell, Indian agent for the Creek nation; and his account for said services was rejected by the War Department, on the ground that these services were within his appropriate duties as sub-agent. These two items rest on different principles, and will be separately examined; and,

First, as to the claim for appraising improvements. The 11th article of the treaty provides that "all the improvements which add real value to any part of the lands herein ceded shall be appraised by commissioners to be appointed by the President, and the amount thus ascertained shall be paid to the parties owning such improvements." On the 20th May, 1826, an act was passed in execution of the treaty, by which it is provided that the United States should pay the actual value of the improvements, "to be ascertained by a commissioner appointed by the President for that purpose." On the 30th August, 1827, the said Crowell was appointed commissioner, and authorized, if it should be inconvenient for him to perform the duty, to assign it to his sub-agent; and under that authority Colonel Crowell assigned the duty to the petitioner, who was engaged in its execution the number of days stated in his account. The committee are of opinion that this service was not within his duty as sub-agent, but that he acted under his appointment as commissioner under the treaty, and for which, as such, he is entitled to compensation.

Second, in relation to his claim for enrolling the Creek Indians. It appears that the place where the Indians were directed to assemble for enrolment, preparatory to their emigration, was without the Creek nation, and at the distance of about 200 miles from the agency; and that the petitioner was engaged in their enrolment the number of days stated in his account. The committee are of opinion that these duties were not within his duties as sub-agent, but were performed under a special appointment, and for which he is entitled to compensation. It appears, further, that it was, in both cases, the understanding between Colonel Crowell and the petitioner at the time, that he should receive the allowances usual in such cases, or five dollars per day, and reasonable expenses. The committee have therefore allowed, for the first two items, for 200 days' service, the sum of - - - - \$1,400 00  
From this they deduct a *pro rata* sum on his salary as sub-agent during the same time, at \$480 per annum - - - 263 00

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\$1,137 00

On this sum they have allowed interest from the close of the session in which a bill was reported for his relief in this House, viz: 4th March, 1833.

The third item, for expenses of journey to Washington to settle his accounts, the committee have not allowed, on the ground that the testimony before the committee does not show that he came on by the direction of the War Department, or that any act of that Department rendered his attendance necessary.

The committee, in the bill reported, have directed the amount of the claim allowed to be passed to the credit of the petitioner on the books

of the Treasury, and that interest shall be paid on the balance that shall be found due from the close of the session of Congress in which a bill was reported for the payment of his claim. They consider that the claim of the petitioner was founded on a strict legal obligation on the Government; that the report of a bill for its payment, by a committee of the House, was a liquidation of that claim; and that, from the close of the session in which it was reported, he is justly entitled to interest.