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John L. Allen

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H.R. Rep. No. 760, 25th Cong., 2nd Sess. (1838)

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JOHN L. ALLEN.

[To accompany bill H. R. No. 719.]

APRIL 6, 1838.

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

REPORT:

The Committee on Indian Affairs, to which was referred the petition of John L. Allen, of the county of Lowndes and State of Mississippi, report:

That it is stated in the petition that, in the month of January, 1831, John Walker and Marshall Goodman, merchants and partners, brought within the Chickasaw nation certain goods, &c., and were then and there trafficking and trading the same with the natives of said nation, without any license so to do, and in violation of the treaty of the 20th September, 1816, between the United States and the said tribe of Indians; that the petitioner was the sub-agent of the said nation, and, as such, was then discharging the duties of his principal, who was absent; that information was given to him, as acting agent, by Tishomingo, one of the chiefs of said nation, of the said illegal trafficking and trading in said goods, &c., and that the chiefs and natives of said nation had seized and taken into their possession the said goods, &c. as forfeited to the United States and the said nation by the provisions of said treaty; that the petitioner, conceiving it to be his duty so to do, caused the said goods, &c. to be duly disposed of—one-half for the use of the United States, and the other half for the use of the said nation; that he reported these facts to the Department of War, which approved of his course; that afterwards, the said Goodman and Walker instituted an action of trespass against him in the circuit court of Monroe county and State of Mississippi, on account of said seizure and disposition of said goods, &c., and at the November term of said court in 1832, verdict and judgment were rendered against him for the sum of \$593 89, with cost of suit; that, conceiving said judgment to be erroneous, the case was taken up to the high court of errors and appeals of the State; when, at the January term in 1837, the said judgment was affirmed, with ten per cent. damages, and the costs; that execution issued on the said judgment as affirmed, and that the same was satisfied out of the goods and chattels of the petitioner, &c.; concluding with a prayer that the petitioner might be indemnified for the loss which he had sustained in consequence of the attempt to discharge his official duty.

The allegations of the petitioner are supported by proof. The sum of money asked for is \$1,055 52½. By looking at the petition, it will be perceived that, in this sum, ten per cent. damages on a protested draft, and \$25 06, the discount paid on a four months' note, are included; making, together, \$95 66. These items the committee cannot allow. Deduct them, then, from the sum asked for, and the balance will be \$959 86½. For this sum the committee report a bill.

ASSENT & PASS

REPORT

That a report in the petition that in the month of January, 1837, the petitioner, Charles W. Walker, merchant and partner in the firm of Walker & Co., of New York, had received from the United States a quantity of goods, and that the goods were taken out of the possession of said goods, as provided in the petition, and that it was his duty to be taken the said goods, and the other half disposed of—one-half for the use of the United States and the other half for the use of the said nation; that he reported those facts to the most of W. J. which approved of his course; that afterwards the said Goodman and Walker mentioned an action of trespass against him in the Circuit Court of the District of Columbia, and that the said Goodman and Walker were rendered against him for the sum of \$222 87 with cost of suit; that concerning said judgment to be erroneous, the case was taken up to the high court of errors and appeals of the State; when, at the January term in 1837, the said judgment was affirmed, with ten per cent. damages, and the same execution issued on the said judgment as affirmed, and that the same was satisfied out of the goods and chattels of the petitioner; and that with a prayer that the petition might be taken into consideration which he had mentioned in consequence of the attempt to discharge his legal duty.

Witness the hand of the committee