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Report : Petition of W. Smith

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IN SENATE OF THE UNITED STATES.

JANUARY 21, 1839.

Submitted, and ordered to be printed.

MR. LUMPKIN submitted the following

REPORT :

The Committee on Indian Affairs, to whom has been referred the petition of William Smith, claiming indemnity for depredations committed on his property by the Creek Indians, in the year 1793, report :

That under the provisions of the treaty of 1821, with the Creek Indians, provision was made for all claims of the description of the one now under consideration; and that the final adjustment of these claims terminated several years ago; and that ample opportunity, and due notice was given, at different times and places, to all such claimants, to present and prosecute their claims before commissioners, duly authorized to adjudicate and settle the same, both under the immediate provisions of the treaty, and the act of Congress of the 30th of June, 1834, to carry into effect said treaty. Moreover, it appears that the petitioner did avail himself of the privilege afforded, by presenting his claims and proofs to the commissioners, both under the treaty and the act of Congress herein before referred to. But the committee have no evidence before them, to show what was the decision of the commissioners, in the case of the claimant now under consideration. The petitioner states that his case was overlooked, and seems to entertain the opinion that it was neglected because he had changed his residence from the State of Georgia. But from the records it will fully appear that claims were not overlooked, or set aside, on account of a change of residence. Admitting, as the petitioner states, that he has received no indemnity for the alleged spoliations committed on his property by the Creek Indians, the committee are nevertheless of the opinion that the claimant has no just or equitable claim on the Government of the United States, inasmuch as his remedy for remuneration ceased with the final termination of the discharge of the duties of the commissioners herein before referred to. Moreover, from a full and careful examination of the evidence submitted in support of this claim, the committee are not prepared, upon its original and intrinsic merits, to recommend it to the favorable consideration of Congress; but are of the opinion that the prayer of the petitioner ought not to be granted.