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### Report : Petition of R. Banks

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IN SENATE OF THE UNITED STATES.

JANUARY 31, 1839.

Submitted, and ordered to be printed.

Mr. SEVIER made the following

REPORT:

[To accompany Senate bill No. 31.]

*The Committee on Indian Affairs, to whom were referred the petition and documents of Richard T. Banks, have had the same under consideration, and submit the following report :*

The petitioner, as it appears to the committee, made with the proper officers of the Government three several contracts, at different times, to supply rations to an indefinite amount, for the use of Indians expected to emigrate according to treaty stipulations, from the eastern to the western side of the river Mississippi. These rations were to be furnished at different points on the route the Indians were expected to travel. When those contracts were entered into, it was supposed, both by the petitioner and the officers of the Government, that the officers intrusted to superintend the business of emigration, would be able to form a pretty correct estimate, in advance, of the probable number of Indians who would emigrate each year, and that by giving the petitioner, in due season, notice of this number, he would be able so to regulate his purchases of provisions, as would enable him fully to comply with his contract, and, at the same time, not leave on his hands a surplus so large as to subject him to any considerable loss. It is believed the officers of the Government at different times did honestly make the best estimates they could of the number of Indians who would emigrate, and caused the petitioner to be informed of this number, and at what period the emigration would take place.

It appears in proof to the committee, that the purchases of provisions made were reasonable, and such as he had good reason to believe would be actually needed for the support of emigrants ; but, contrary to all the expectations both of the officers of Government and of the petitioner, few or no Indians emigrated. When thousands were expected, only a few hundreds could be induced to remove ; and thus it happened that the supplies purchased and placed at the different points agreed upon, were left for a long time on the hands of the petitioner, and eventually, to avoid a total loss, he was compelled to take his provisions to the best market he could find, and sell them for such sums as they would command.

The proofs satisfy the committee, that when the petitioner has given credit for all the sums he received for the rations delivered to the few Indians who did emigrate, and for every sum he could receive for the provisions sold, he is an actual loser to the amount of three thousand two hundred and six dollars and nine cents. This loss was not produced by any fault, or even indiscretion, of the petitioner, but by the difficulties which occurred in relation to the emigration of the Seminole and Creek Indians, over which he had no control.

Although, by the terms of these contracts, the Government is not bound to pay the petitioner any sum in addition to what he has already received, yet under all the circumstances of this case, the committee believe it would be unjust in the Government to compel him to submit to a loss, ruinous perhaps; to him, and which no prudence or exertions on his part could have guarded against. They therefore report a bill for his relief.