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Report : Claim of W. Dickinson

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S. Doc. No. 65, 26th Cong., 2nd Sess. (1841)

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IN SENATE OF THE UNITED STATES.

JANUARY 12, 1841.

Submitted, and ordered to be printed.

Mr. PHELPS made the following

REPORT:

The Committee on Indian Affairs, to whom was referred the petition of William Dickinson, report :

That, in the year 1833, the petitioner contracted with the United States, through the agency of Governor Porter, to erect certain houses and mills, to build a dam, and construct a mill-race, &c., on Fox river, agreeably to the treaty with the Winnebago Indians, for a specific price ; the amount of which is not precisely stated or shown to the committee.

He states in his petition, in substance, that sufficient time was not allowed, after the issuing of the proposals and before the letting of the contract, for a sufficient examination of the site and difficulties of the work ; that the work was found at last to be much more difficult and expensive, in various particulars, than was represented by the Governor ; and that, in consequence, the undertaking resulted in a loss to the petitioner ; for which he claims remuneration.

The committee discover in this representation no reasonable ground for allowing to the petitioner any further compensation than that stipulated in his contract. He must be supposed to have exercised his own judgment upon the difficulties and cost of the work, and graduated his price accordingly. The case would not be varied, if we suppose the agent of the United States to have misjudged also ; for it can hardly be expected of the Government that it should correct such errors, unless the rule and the remedy should be mutual. This cannot be. There is, therefore, no other practicable rule than that each party must rely upon the accuracy of its own judgment in the outset.

There is no evidence before the committee that any representations of the agent of the United States were designedly false or fraudulent. Had they been so, the remedy would be properly against the agent, and not against the United States. The committee therefore report the following resolution :

Resolved, That the prayer of the petition be denied.

Blair & Rives, printers.