

University of Oklahoma College of Law

University of Oklahoma College of Law Digital Commons

American Indian and Alaskan Native Documents in the Congressional Serial Set: 1817-1899

6-7-1844

David Robb

Follow this and additional works at: <https://digitalcommons.law.ou.edu/indianserialset>



Part of the [Indigenous, Indian, and Aboriginal Law Commons](#)

Recommended Citation

H.R. Rep. No. 533, 28th Cong., 1st Sess. (1844)

This House Report is brought to you for free and open access by University of Oklahoma College of Law Digital Commons. It has been accepted for inclusion in American Indian and Alaskan Native Documents in the Congressional Serial Set: 1817-1899 by an authorized administrator of University of Oklahoma College of Law Digital Commons. For more information, please contact Law-LibraryDigitalCommons@ou.edu.

DAVID ROBB.

[To accompany Senate bill No. 154.]

JUNE 7, 1844.

Mr. J. B. HUNT, from the Committee on Indian Affairs, submitted the following

REPORT:

The Committee on Indian Affairs, to whom was referred Senate bill 154, entitled "An act for the relief of David Robb," respectfully report :

That they have examined the report of the committee of the Senate, and the several papers accompanying said bill : from which it appears that the memorialist was an Indian agent, and received his pay of the Government, as such agent, at the time he charges for the services mentioned in this bill. The account embraces two items : The first, for expenses and extra services in coming from Wapaghkonetta to the city of Washington and returning; for which the charge is \$500. The second, for the services and expenses of two laborers, employed by the order of Col. Gardiner, as special agent and superintendent of the emigration of the Shawnees and Senecas ; and this charge is \$250.

The committee of the Senate report against the second charge, because "it is unsupported by sufficient evidence;" and such conclusion is perfectly satisfactory. But they have reported in favor of the first charge, (of \$500;) and on that report, the Senate have passed a bill for that amount. We shall, therefore, examine *this* charge alone.

It appears from the papers presented, that treaties had been made by the Government with the Shawnee and Seneca Indians; that reports were in circulation, alleging that the commissioners who made these treaties had defrauded these Indians, and that the subject was undergoing an investigation in the Senate.

In a statement made by Mr. Ruggles, he says: "During the pendency of the treaty before the Senate, Mr. Robb arrived in the city; and, knowing that he possessed full information upon the subject, I introduced him to Judge White, (then chairman of the Committee on Indian Affairs,) who invited or summoned him to attend the committee, and give his testimony in the case." He also states that Mr. Robb did attend, and afterwards they became satisfied that the charges were without sufficient foundation, and the treaties were confirmed.

Mr. McElwain states, among other things, that Mr. Robb rendered an important service while he was agent, which was his "visit to Washington about the time the treaties were up for confirmation; which journey was most cheerfully sanctioned by me, as I had learned, to my full satisfaction, that, unless you or myself went to the city, the treaties would be rejected by the Senate."

Mr. Hayward also states that he recollects that Mr. Robb was in Washington city in 1831 or 1832, when the treaties were before the Senate for confirmation; and that Mr. Robb was *detained*, by the request of Judge White, for about three weeks, and that he made out a full and complete statement of all the facts connected with the treaties, and furnished a copy for the President; and that Judge White informed him that, if it had not been for his (Robb's) testimony, the treaties would not have been confirmed, &c.

These services were rendered, it is alleged, in 1831-'32. The above statements are dated in 1841—nine or ten years after the occurrence took place. They are not sworn to or verified in any manner; and appear to be mere good-natured statements, of matters which the writers did not know much about, for which they were not intended to be responsible, but yet were willing to render a little charitable assistance to the petitioner. They do not either of them state that Mr. Robb was compelled to leave his agency, and attend as a witness before the committee; or that he was requested, by any authorized officer of that department of the Government, to attend as a witness. It rather appears from these statements that he was here in the city at the time, and that he knew something of the matter, and was requested to, and did, attend before the committee. Mr. Ruggles says he introduced him to the chairman of the committee, because he knew Mr. Robb possessed information on the subject. If he had been brought from the Indian country as a witness, would Mr. Ruggles have used such language, or taken the trouble to introduce him to the chairman? Mr. McElwain states that Mr. Robb was on a *visit* at Washington, and that the journey was cheerfully sanctioned by him, &c. Why should he cheerfully sanction the journey, if it had been made by the order of the Government, and was to be paid for? Mr. Hayward recollects that Mr. Robb was in Washington, and that he was detained about three weeks, &c.

None of these statements allege that he was subpoenaed or required by the Government to make this journey; and there is no reason to believe that he would not have been paid long since, if he had been legally required to perform this extra service. All that could be required, by the papers produced in support of this claim, would be the pay for the three weeks' attendance as a witness; for the account does not set forth the items of his expenses—receipts for stage or steamboat fare—for board bills—or any excuse for not being able to produce them: there is but one date, and that "January, 1832;" one item, and that \$500. Is this the way that agents render their accounts to their principals for extra expenses and services? Would any business man pay such an account, on such vague and unsworn statements? The accounts of this agent were settled in 1832, twelve years ago. Why was not this account for extra service settled at that time, when all the facts were fresh in the recollection of the officers of the Government? Why was this agent away from his post, without orders, to procure the ratification of these treaties?—for we have no evidence that he was required to attend. The services rendered are said to have been valuable, and his reasons for being here may have been the very best; there is no evidence to the contrary. But the importance of the evidence of the witness has never been held as a reason why he should receive any more pay than the witness who can state but little; a contrary rule would, in a short time, tend to produce a great deal of ex-

traordinary evidence upon almost any subject. He can, therefore, be entitled to the pay only for his attendance before the committee for three weeks; and this must be proved, in the usual manner, by affidavits. There is no pretence of his having been compelled to make the journey for the purpose of giving the evidence for the Government; and if any one else employed him to be here, that he might be picked up as a witness, the person so employing him should pay the expenses.

The committee cannot recommend this bill to the favorable action of the House, and are compelled to report against allowing any part of said account, and against the passage of said bill; and that the same be indefinitely postponed.