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Report : Claim of Heirs of W. Walker

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IN SENATE OF THE UNITED STATES.

FEBRUARY 8, 1844.

Submitted, and ordered to be printed.

Mr. PHELPS made the following

REPORT :

[To accompany bill S. 34.]

The Committee on Indian Affairs, to whom was referred the bill for the relief of the representatives of William Walker, deceased, together with the petition of said representatives, report :

That this bill authorizes and directs the proper accounting officers of the Treasury Department to adjust and settle the account between the United States and the late William Walker, deceased, upon principles of equity and justice, and provides for the payment of such balance as may be found due the memorialists upon such adjustment.

As this account has been once finally settled, and the balance found due from the United States paid to the memorialists, and as this bill proposes to open the account for further examination, the committee have deemed it their duty to inquire into the reasons which are supposed to call for or to justify such a proceeding. These reasons are presented in the memorial referred to the committee in conjunction with the bills.

That memorial states that, in the year 1827, a delegation of Creek Indians being at Washington for the purpose of making a treaty with the United States, "Captain Walker was selected and engaged by the Secretary of War to conduct them back to their homes." It alleges performance of that service, and that the sum of \$120 per head was allowed and paid therefor, as also the like sum of \$120 for Captain Walker himself. The memorial claims a further sum of five dollars per diem for his services for twenty days—amounting in all to \$100; which last charge was rejected by the department. The reason given for this rejection was, that "no agreement or authority for the same, on the part of the department, could be found." No such agreement or authority is shown to the committee. That the service was performed, is not questioned; but whether the party was compensated for it, or whether he is now entitled to further compensation, depends upon the question whether the allowance made of \$120 per head for the whole company, Captain Walker included, was intended to cover and remunerate this whole service; and, if so, whether it were an adequate and reasonable allowance. The absence of any agreement or authority for a per diem compensation, when taken in connexion with the fact that the allowance per capita was in gross, without any account of precise estimate of actual expenditure,

leads the committee to the conclusion, that the sum so allowed was intended as a full compensation. This conclusion is fortified by the assurance from the department, that the sum allowed and paid is, in comparison with other allowances for similar services, not only high, but, in the opinion of the department, more than sufficient to cover a compensation for Captain Walker's services equal to that claimed.

To open the account for readjustment under such circumstances would seem to be of no avail to the memorialists. At the same time, the committee cannot recommend such a measure, unless they are themselves satisfied that, upon the re-examination, a different result would be produced; and, so far as they are informed, they are of opinion that the compensation already made is amply sufficient.

The memorial further states, that, in 1827 and 1829, Captain Walker was appointed "emigrating agent;" that, in that capacity, he made certain advances, which were ultimately reimbursed to him from the Treasury, but that interest on the sums thus advanced was denied. The object of this memorial and bill is to obtain an allowance of that interest.

It appears to the committee that a considerable time elapsed after the advances were made before they were allowed at the department and paid. But it further appears that the delay was owing to a want of proper vouchers to justify the allowance, and that no unreasonable delay occurred in the allowance and payment after such vouchers were furnished. Under these circumstances, to allow the interest claimed would, in the opinion of the committee, conform to no practice of the Government, and would furnish a precedent of most dangerous tendency. They therefore recommend the following resolution:

Resolved, That the bill be indefinitely postponed.