

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

---

3-27-1844

Lawrence Taliaferro

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



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

---

### Recommended Citation

H.R. Rep. No. 365, 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 [darinfox@ou.edu](mailto:darinfox@ou.edu).

LAWRENCE TALIAFERRO.

MARCH 27, 1844.

Read, and laid upon the table.

Mr. W. HUNT, from the Committee on Indian Affairs, made the following

REPORT:

*The Committee on Indian Affairs, to whom was referred the memorial of Major Lawrence Taliaferro, late Indian agent at St. Peter's, respectfully report:*

It appears from the memorial and the accompanying papers, that Major Taliaferro was in the service of the Government, as Indian agent at St. Peter's, from the year 1818 till 1839, when he resigned; that in the year 1826 he purchased of Nathan Clark and others a house standing on the public ground at St. Peter's, for which he paid the sum of \$75; that said house was used as a dwelling for sub-agents and interpreters, as a receiving room of Indians, and for other purposes connected with the agency; that no claim of compensation for the use of said building was made by the memorialist during his term of office, but after his resignation he presented an account for the rent of said building from the 1st day of July, 1826, to the 1st of June, 1842, at \$144 per annum, making \$2,390. This account was rejected by the Commissioner of Indian Affairs, and subsequently by the Secretary of War, on an appeal taken by Major Taliaferro from the decision of the Commissioner.

He now appeals to Congress for an allowance of the claim thus rejected by the department, and urges its equity on several grounds. The memorialist represents that the use of the building was necessary for the public service; that from the date of his purchase it was actually used, and is still used, for Government purposes; and it is also shown, that since the resignation of Major Taliaferro, the building has been enlarged by the Government agents at St. Peter's. It ought, perhaps, to be added, that the building is represented to be well constructed of stone, and worth from \$2,500 to \$3,000; and in case his claim for rent is allowed, Major Taliaferro proposes to release to the Government his title to the property. To sustain or strengthen his own representation of the facts, the memorialist has furnished several certificates and affidavits of disinterested persons.

Upon the facts here presented, the committee are of opinion that the claim for rent cannot be sustained on grounds of justice or public policy. Major Taliaferro was a public officer, charged with the disbursement of public moneys, and his accounts were periodically rendered to the proper department, from the commencement of this claim, in 1826, till his resig-

nation of office, in 1839. But during this period of thirteen years no charge was preferred for rent, nor does it appear that any intimation was made to the department of his intention to claim compensation for the use of the building. The fact of withholding an accumulating claim of this character from year to year, raises a strong presumption against its validity. Indeed, we regard it as essential to the validity of all claims of this nature, that the expenditure should have been *previously* (or within a reasonable interval) authorized by the department. To admit a contrary principle, would open a door to expenditures by subordinate officers, without the approbation of the Executive or the sanction of law. The committee cannot recommend the establishment of a precedent so liable to abuse, and so contrary to the past legislation of the country, by which the expenditure of money is controlled and regulated.

It appears that the house in question stands on the public ground ; and, amongst other reasons assigned by the department for the rejection of the claim, it was assumed that, the title to the land being in the Government, an individual can have no legal right of property in the building. It may be inferred, however, that the building was erected with the consent of the officers having charge of the post, and that the occupant might legally destroy or remove it, at pleasure. It seems that Major Taliaferro purchased the house of the trader who built it, for a nominal price ; and it can hardly be supposed that the owner would have accepted so inadequate a consideration as \$75, but for the inferior nature of his title. Having purchased the property under the circumstances which have been stated, the committee are of opinion that Major Taliaferro may have derived an equitable title, which ought not to be disregarded. The building remains in the possession of the Government, and it will probably be desirable to retain it for public purposes.

If the memorialist had proposed to accept the amount which he actually paid for the building, and thereupon to release his title to the United States, the committee might have deemed his case deserving of a more favorable consideration. But the committee, deeming the present claim for rent wholly inadmissible, recommend the adoption of the following resolution :

*Resolved*, That the prayer of the petition ought not to be granted, and that the committee be discharged from the further consideration thereof.