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Isaac Whiteman, Richard S. Paris, and Phineas Thomas

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Recommended Citation

H.R. Rep. No. 486, 28th Cong., 1st Sess. (1844)

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ISAAC WHITEMAN, RICHARD S. PARIS, AND PHINEAS
THOMAS.

MAY 15, 1844.

Read, and laid upon the table.

Mr. VANMETER, from the Committee on Indian Affairs, made the following

REPORT:

The Committee on Indian Affairs, to whom was referred the petition of Richard S. Paris, Phineas Thomas, and Isaac Whiteman, submit the following report:

The petitioners claim indemnity for depredations alleged to have been committed by the Miami tribe of Indians in the year 1832 or 1833 on the property of the said petitioners. They ask that such sums may be granted them as may appear just and reasonable, to be paid out of the annuities due to the Indians.

No original evidence is exhibited to prove the depredations, or the value of the property taken. The petitioners rely on proof that their claim was presented through the Indian agent in 1833 or 1834, and was acknowledged by the Indians to be just. The affidavits of James W. Dunn and William Marshall, the agent through whom the claim was presented, and a statement made by the Hon. W. J. Brown, sufficiently prove such acknowledgment on the part of the Indians; yet your committee cannot perceive upon what principle, consistent with good faith, these spoliations can now be charged on the annuities to be paid to the Indians. The law regulating intercourse with Indian tribes does not apply to this case, because the Miamies were not within the "Indian country," the limits of which are defined by the law itself; it must rest, therefore, on treaty stipulations. Since the origin of this claim, we have made three several treaties with the Miami Indians, each providing for the payment of debts; but in neither of them is any provision made for *spoliations*, as such. The treaty of October 23, 1834, sets apart \$50,000 for the payment of *debts* due from the Indians. And should the acknowledgment of the justice of the claim on the part of the Indians so far change its nature as to constitute it a debt, the petitioners have not brought themselves within the provisions of the treaty; they have failed to present their claim duly authenticated and at the proper time. The treaty of November 6, 1838, provides only for the ascertainment and payment of debts accruing since the date of the previous treaty. So, also, the treaty of 1840 provides only for debts accruing since November 6, 1838. The terms of these treaties raise a strong implication that all debts or claims, of whatever nature, arising previous to the time specified in them respect-

ively, were considered liquidated: and were it otherwise, these claims cannot, in the opinion of the committee, be charged on the annuities payable to the Miami tribe of Indians, without a violation of treaty stipulations and the plighted faith of the nation. They therefore ask the concurrence of the House in the following resolution:

Resolved, That the committee be discharged from the further consideration of the subject.

Mar 15 1844
 Read and sent upon the table

Report from the Committee on Indian Affairs; made the following

REPORT

The Committee on Indian Affairs, to whom was referred the petition of the Miami Tribe of Indians, praying that they might be restored to their former lands, and that they might be allowed to have their claims for annuities and other benefits under the treaties made with them in 1825 and 1834, be considered and reported on.

The petitioners claim a right to the lands which they occupied in 1825 and 1834, and which were then ceded to them by the United States. They also claim that the annuities and other benefits provided for in the treaties of 1825 and 1834 should be paid to them, and that they should be allowed to have their claims for annuities and other benefits under the treaties made with them in 1825 and 1834, be considered and reported on.

The committee have the honor to acknowledge the receipt of the petition of the Miami Tribe of Indians, and to express their sympathy for the claims of the petitioners. They also have the honor to acknowledge the receipt of the report of the subcommittee on the petition, and to express their agreement with the conclusions reached by the subcommittee.

The committee believe that the claims of the Miami Tribe of Indians are well founded, and that they should be allowed to have their claims for annuities and other benefits under the treaties made with them in 1825 and 1834, be considered and reported on. They also believe that the lands which they occupied in 1825 and 1834 should be restored to them, and that they should be allowed to have their claims for annuities and other benefits under the treaties made with them in 1825 and 1834, be considered and reported on.

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