

5-15-1844

Isaac Whiteman, Richard S. Paris, and Phineas Thomas

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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
Printed and sold by the Clerk

REPORT

The Committee on Indian Affairs, to whom was referred the petition of the Miami Indians, petitioners, and John H. Williams, respondent, relative to the claims of the Miami Indians, and the report of the Commission on Indian Affairs, made the following

The Commission states affirmatively for liquidation of the claims of the Miami Indians on the year 1833 or 1834 on the part of the respondent. They also state that such claims may be created in any case, and are liable to be paid out of the annuities due to the Miami Indians. The Commission is satisfied to have the stipulations of the claim of the Miami Indians on the part of the respondent, and that the claim was acknowledged through the Indian agent in 1833 or 1834, and was acknowledged by the Indian to be true. The signatures of James W. Dunn and William Johnson, the agent through whom the claim was presented, and a statement made by the Hon. W. A. Howard, evidently prove such acknowledgment on the part of the Indian. For your committee cannot perceive upon what grounds respondent says that the respondent cannot now be held responsible on the subject to be paid to the Indians. The law regarding the claims of the Miami Indians does not apply to this case, because the Miami Indians were not within the "Indian country," the limits of which are defined by the law itself. It was not, therefore, an treaty stipulation. Since the year of the claim we have made several treaties with the Miami Indians, and providing for the payment of debts; but in neither of these treaties was any provision made for liquidation of debts. The treaty of October 31, 1832, and great efforts for the payment of debts due from the Indians. It would be the establishment of the justice of the claim on the part of the respondent, or he should be entitled to contribute it a debt, the petitioners have not proved their claim, they have only presented their claim, which is contradicted and is the proper time. The treaty of November 8, 1836, provides only for the acknowledgment and payment of debts existing from the date of the previous treaty. It also provides for the liquidation of debts existing since December 8, 1834. The terms of this treaty make a strong implication that all debts of claims of the Miami Indians existing prior to the date specified in them respect-

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