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5-4-1846

Julius Eldred and sons. (To accompany bill H.R. no. 404)

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Recommended Citation

H.R. Rep. No. 584, 29th Cong., 1st Sess. (1846)

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JULIUS ELDRED AND SONS.

[To accompany bill H. R. No. 404.]

MAY 4, 1846.

Mr. JAMES B. HUNT, from the Committee on Public Lands, made the following

REPORT:

The Committee on Public Lands, to whom was referred the memorial of Julius Eldred and sons, asking payment for services and expenses incurred in removing the copper rock (so called) from Lake Superior, respectfully report:

That the memorialists represent, that, in the year 1841, J. Eldred procured from the sub-Indian agent at the Sault a license for Samuel Ashman, an Indian trader, for the purpose of trading with the Chippewa Indians on Lake Superior; that Eldred and Ashman, under that license, purchased of Okondokon, the head chief of the Ontonagon band of said tribe, the large mass of copper, usually called the copper rock, then lying in the bed of the Ontonagon river, for the sum of one hundred and fifty dollars, forty-five of which was paid down, and the residue was to be paid on the removal of the rock, which was subsequently done; that said Eldred employed several men and boats, and ascended the Ontonagon river to the rapids, then crossed over the mountain to the rock, which they raised and placed on skids, but were unable to remove it to the boats. In 1842 he made another effort to remove the rock, but did not succeed. He then prepared, at Detroit, a portable iron railway and car, and, with a capstan, tackle, and blocks, and in the year 1843, with the assistance of twenty men and his railroad, transported the rock over the mountain, and brought it to the shore of the lake, where it was claimed by General Cunningham, the mineral agent, as the property of the United States. Cunningham then agreed that if Eldred would give up the rock, he should be paid for his time and expenses, and for the further expense of removing it to Detroit; and that when the Secretary of War should order it to be removed to Washington, Eldred should accompany it as the agent of the government, and be compensated for his services. The memorial states that he complied with these conditions; and on his arrival at Washington, (which was in November, 1833,) he presented his account to the Secretary of War, and was informed there was no appropriation for the payment; that he had no authority to pay the claim, and that he must seek relief from Congress.

It appears that, at the ensuing session of Congress, application was made to the Senate, and the Committee on Public Lands made a favorable report

in the month of April, 1844, (see Senate Report No. 260, 1st session 28th Congress,) and introduced a joint resolution, which subsequently passed the Senate, but was not acted on in the House for want of time. At the last session of Congress no action was had on the subject.

The memorial is verified by the affidavit of Julius Eldred, who was the actor in the business; and all the circumstances in the case are proved by witnesses, letters, &c., from respectable persons, and which are printed in the Senate report above mentioned. Mr. Eldred purchased this lump of copper from the Indians previous to the treaty for the sale of their lands to the United States. There is no question as to the right of the Indians to sell this mineral while they owned the land, and Eldred, under his license to trade, had a right to purchase. The officers of the government, in their great anxiety to procure this specimen of native copper, improperly, if not illegally, interfered with his operations, and deprived him of the possession of his property.

It appears, from the letter of General Cunningham, the mineral agent, that the Indian chief, in his presence, admitted that he sold the rock to Eldred in 1841, and had received his pay, as stated in the memorial. He also certifies that Eldred, on the 10th of September, 1843, paid Hammond & Co. \$1,765 for the services which they had rendered in removing as well as obtaining possession of the rock. It appears, from the statement and affidavit of D. F. Hilt, that some men from the Upper Mississippi had taken possession of the rock when Eldred arrived there, in 1843, with his men and machinery, to remove it, and, rather than abandon it, and to avoid strife and difficulty, agreed to pay, and did pay for their services, and for the peaceable possession of the rock, the sum above stated by Cunningham, in addition to the amount paid to the Indian chief.

It also appears, from the papers before the committee, that the Secretary of War, in September, 1843, wrote to the mineral agent, Cunningham, to take possession of the copper rock, and have it shipped to the Sault, and advise the officer at Fort Brady of its arrival, who was to advise the officer of the revenue cutter on Lake Erie that it was ready for him to take on board. In the letter he denies Eldred's right to the rock, but says that justice and equity require that they should be amply compensated for their trouble and expense, and directed the agent (Cunningham) to examine and allow the account, not exceeding \$700; and on the presentation of his certificate at the Ordnance office, it would be paid. If Eldred & Co. claimed to own the article, it would not be recognised, and they must apply to Congress.

It appears that Eldred and sons, according to the agreement first made with the agent, were at the expense of removing it to Detroit. After its arrival there the government took charge of it, and were at the expense of bringing it to Washington, and it was deposited in the public grounds in rear of the War Office, where it remains—another evidence of the vigor of the late administration.

On the 1st of November, 1843, Cunningham gave Eldred a letter to the Secretary of War, as his agent to deliver the rock to the Secretary at Washington, and recommended the payment of his account, and certified to the expenditures which had been made since the 10th of June, 1843. The district attorney of the United States at Detroit also wrote, stating he was the agent of Cunningham; that he had examined the accounts of Eldred, and made inquiries of others, and believed that the rock could not have been removed at a less expense.

The object of Mr. Eldred in procuring this mass of copper was, to exhibit it as a great natural curiosity in this country and in Europe. He had thought of it for a long time previous to his first attempt: he persuaded his sons to assist him with the means of carrying it into execution. The officers of the government thought proper to wrest it from him: they have had possession of it for nearly three years. Age and infirmities have taken from Eldred the ability to carry that design into execution now, even if the article should be returned. And since its exposure to the public gaze, and the many specimens of native copper since procured from that region, (although this specimen still remains unrivalled,) it would scarcely excite sufficient curiosity to make its exhibition profitable.

The committee have come to the conclusion that, as he acted under the direction of the Secretary of War, and his agent, in delivering up the rock, and they promised to reimburse him for his time and expenditures, the subject should be referred to the Secretary of War to be settled, and the amount paid; and they have brought in a bill accordingly.

Committee on Public Lands to whom was referred the petition of George H. Bailey, of St. Louis, Missouri, praying Congress to direct him the authority whence of section three, township fifteen, range twenty of the fifth principal meridian, lying in St. Louis county, State of Missouri, has had the same under consideration, and report.

That it appears from the testimony that the said tract of land was entered by the said Ramsey at the land office at St. Louis, and a certificate issued to him on the 1st of July, 1841, that the said entry might be subsequently cancelled, and a patent for his same refused, by reason that the said land was included in the reservation for the Spanish claim known as the claim of William Ramsey, a citizen of Alabama last.

It further appears by the letter of Leon H. Price, Commissioner of the General Land Office, dated September 26th, 1844, that the said land was directed to be held for pre-empting claims until so set to the office of the Interior, 1841, and that George Ramsey at that time granted his right of pre-empting and entered the said undivided quarter of section 3, in township N., range 2, sec. by express warrant and instructions to that effect from the Commissioner General, under date of May 21st, 1841.

This decision was, however, again reversed, and the said land called into the general land office on the 1st of June, 1845, on the ground that the same remained liable to the reservation affected to the "Land claim." The occupancy and that the petitioner, relying upon the title thus given to him by him, and twice sanctioned by the Commissioner General, was subsequently cancelled has been in personal occupation of the land for the past one year, and has fenced and improved the whole tract.

The committee are satisfied that nothing exists to detract the petitioner from retaining the value claimed for, saving only the existing reservation of the so-called "Land claim," and accordingly recommend the adoption of the accompanying bill, providing that a patent may issue on the 1st of May 21st, 1846, under the title of the original holder of said rights.