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Report : Petition of D. Robb

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IN SENATE OF THE UNITED STATES.

FEBRUARY 16, 1846.

Submitted, and ordered to be printed.

Mr. ATCHISON made the following

REPORT :

The Committee on Indian Affairs, to whom were referred the documents of David Robb, for services rendered, and expenses incurred by him, in effecting a ratification of certain treaties with the Shawnee and other Indians, and for an allowance of \$250 for wages, at one dollar per day, and expenses of two laborers employed by the express orders of the special agent and superintendent of the emigration of said Indians, report :

That from the documents referred, the claimant asks of the government the sum of five hundred dollars for expenses and extra services, in traveling from Wapahkonetta to Washington city and back, as sub Indian agent, to secure the ratification of treaties made with the Shawnees at Wapahkonetta, and the Senecas at Lewistown, during the fall of 1832; and the further sum of two hundred and fifty dollars for wages, at one dollar per day, and expenses of two laborers employed by express orders of Col. Gardiner, as special agent and superintendent of the emigration of said Indians. The services for which the government is charged were rendered in the years 1831 and '32. The claimant made application to the War Department for a settlement of his claim, as the committee infer from a letter filed and referred with claimant's documents, dated Jan. 27, 1838, from the Commissioner of Indian Affairs to the Secretary of War, from which it appears the department could not allow the demand. In 1841 the claim was presented to the Senate, and referred to the Committee on Indian Affairs. The committee was, on the first day of March of same year, discharged from its further consideration. In June, 1842, claimant's papers were again referred to the Committee on Indian Affairs, and no report made. In February, 1844, the documents were again referred to same committee, and a bill reported and passed in the Senate; but was reported against, and failed to pass, in the House of Representatives. At this session of Congress, the claim is again referred to the Committee on Indian Affairs.

It appears, from the papers referred, that claimant voluntarily left Wapahkonetta in the fall of the year 1832, and came to Washington city, without being summoned or in any way required by the Indian department or any department of the government, for the purpose of procuring the ratification of treaties made by the government with the Shawnee and other Indians. It seems that there was a charge of fraud made against the commissioners who negotiated the treaty; and it was upon this charge that it was supposed the

treaty would be rejected by the Senate. When claimant arrived in Washington, he was sent for to attend the Committee on Indian Affairs; and from the information derived from him, the committee reported the treaties, and recommended their ratification; which was accordingly done. It is probable that Mr. Robb's statement before the committee procured a report in favor of the treaties, as Mr. Hayward proves that Judge White, the chairman of the committee, stated to him that, if it had not been for claimant's evidence, the treaties would have been rejected. The claimant, at the time he was before the committee, and afterwards, was receiving the salary of a sub-agent from the government. The committee are of the opinion, from all the facts and circumstances of this case, and acknowledging the services rendered by the claimant to the government to the full extent he alleges, that it would be a bad precedent to set, a bad principle to adopt, that persons should be paid for traveling expenses and per diem wages, who shall voluntarily present themselves as witnesses for any purpose whatever. If this rule should be adopted, the capitol would, in the process of time, be crowded with persons ready and willing to give evidence upon all subjects where evidence should be required.

The second item of claimant's demand is not sustained by sufficient proof, and, therefore, cannot be allowed.

The committee, therefore, recommend the adoption of the following resolution:

Resolved, That the claim of David Robb, for services rendered, and expenses incurred by him, in effecting the ratification of certain treaties with the Shawnee and other Indians, and for an allowance of two hundred and fifty dollars for wages and expenses of two laborers, employed, as alleged, by the express orders of Col. J. Gardiner, as special agent and superintendent of the emigration of said Indians, ought not to be allowed.