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Joseph and Lindsay Ward. (To accompany bill H.R. no. 256).

29th Congress, 1st Session. Rep. No. 318. Ho. of Reps.

JOSEPH AND LINDSAY WARD.

[To accompany bill H. R. No. 256.]

February 21, 1846.

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

REPORT:

The Committee on Indian Affairs, to whom was referred the petition of Joseph and Lindsay Ward, respectfully report:

It appears from the memorial and accompanying papers, that, in 1838, the government being desirous to effect the removal of the Pottawatomie Indians from Illinois and Wisconsin to their new location west of the Mississippi river, caused a public notice to be issued by Lieut. T. J. Sprague, a disbursing agent of the Indian department, inviting proposals for furnishing them with complete rations during the time of their assemblage, and whilst on their route to the country assigned to them. In this notice, which was published in one or more newspapers, it was stated that "the number of Indians to be provisioned will be from 400 to 500, more or less; and the probable length of time to be occupied on the route will be from 70 to 80 days."

It appears that the petitioners were the lowest bidders, and a sealed contract was entered into between them and the government agent, by which the rations were to be furnished at the rate of 15 cents each.

In this contract no mention is made of the number of Indians for whom rations were to be supplied; but it is fair and reasonable to consider the published proposals, in conformity with which the contract was made, as expressive of the conditions of said contract, and hence that the number to be supplied was "400 or 500, more or less."

The Indians were to be assembled near Milwaukie, and on the Auplain river, in Illinois; and at the time fixed by the government agent, the petitioners proceeded to those stations, when it was found that only 129 Indians had been assembled, or could be found, for removal. The petitioners then went to Nottowa, in Michigan, (some 150 miles from the place where they found the 129 Indians convened,) at the request of the government agent, where they expected to find another party of Indians, estimated to number 600 or 800. On reaching Nottawa, the Indians there located refused to go; and the petitioners represent that, "after having been at great expense for about 40 days, they were obliged to return without any Indians; and, although they incurred great loss in the provisions furnished for the expedition, they have received no compensation;" and that, "while at Nottowa, they issued rations to the amount of about $40, for which they have received no payment."

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The only compensation which they have received from the government is the sum allowed for the rations actually furnished to the 129 Indians, at the contract price.

The accompanying account of the Messrs. Ward sets forth, particularly, the items of damage on their trip to Michigan. It will be perceived that $600 are charged as the expense of their fruitless expedition to Michigan. But as there is no evidence before the committee, showing any necessity for their going there, except the expectation of profit under the contract, it appears to the committee that they must be considered to have gone at their own risk.

In view of the great disproportion between the number of Indians actually supplied and the number for which, under the contract, the Messrs. Ward were necessarily compelled to make provision, your committee deem that they have an equitable claim for the amount actually lost in consequence of the said disappointment: that is to say, that if these gentlemen had to dispose of any provisions, which they, in consequence of having entered into this contract, provided themselves with, at a loss, the sacrifice ought not to fall upon them; and in conformity with this view of the subject, your committee report a bill for the relief of J. & L. Ward.