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Legal representative of Thomas Murray, Jr. (To accompany bill H.R. no. 320).

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LEGAL REPRESENTATIVE OF THOMAS MURRAY, JR.

[To accompany bill H. R. No. 320.]

MARCH 27, 1846.

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

REPORT:

The Committee on Indian Affairs, to whom was referred the memorial of Margaret C. Brown, late Margaret C. Murray, widow of Thomas Murray, junior, of Arkansas, having had the subject under consideration, ask leave to report:

That this is a claim for compensation for services alleged to have been rendered by Thomas Murray, junior, the first husband of the memorialist, as clerk or secretary to a delegation of Cherokee Indians, while negotiating and concluding a treaty with the United States, at Washington city, in the spring of 1828; for which service the sum of three hundred dollars is claimed.

From the numerous papers filed in the case, the committee have been enabled to gather the following facts:

It appears that Mr. Murray travelled with this delegation of Indians from their residence, west of the Mississippi, to Washington, continued with them until the treaty was concluded, and returned with them. He afterwards presented his claim to the Secretary of War, who declined allowing it because he believed that Mr. Murray was at that time a private clerk of the Indian agent, and the agent had been paid an extra allowance on account of that treaty. About one or two years after, Mr. Murray applied to Congress for relief; and on the 15th of January, 1833, the Committee on Indian Affairs reported that they had not satisfactory proof that the services for which he claimed were performed previous to his appointment as clerk to the Indian agent; they therefore advised that he have leave to withdraw his papers.

Mr. Murray having departed this life, his widow applied to Congress for payment of the claim, during the session of 1837–'8; and on the 20th of March, 1838, the Committee on Indian Affairs made a report upon it, in which they referred to the report on the 15th of January, 1833, and added, that they had examined a letter from the Secretary of War, dated November 25, 1828, authorizing the Cherokee agent to appoint a clerk, instead of a sub-agent, for his agency; and as the "letter bears date more than five months after the services were rendered for which compensation is claimed, and the subsequent appointment of Thomas Murray as clerk cannot in justice be considered as compensation for services rendered so long before the clerkship was created," "the committee report a bill."

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This bill, it is believed, passed the House too late for the action of the Senate.

In 1842 the claim was again before Congress, and on the 8th of March, of that year, the Committee of Claims made an unfavorable report upon it. They appear to have objected, because Mr. Murray did not present his account at the War Department at an earlier date; because he did not prove that he was promised pay, that he expected pay, and that he never received pay from the Indian agent; and because he did not state how much he received from the United States for travelling expenses.

On the 3d of February, 1843, the Committee on Indian Affairs again had the subject under consideration, and asked to be discharged from it on the ground that they believed that Mr. Murray performed those duties while he was private clerk to the Indian agent.

In support of the claim, there are certificates and affidavits from the Indians who composed the delegation, from which it appears that their secretary, David Brown, was retained by them as a delegate, and that the duties of secretary were performed by Thomas Murray at their request; and a letter from the Second Auditor of the Treasury, dated 21st January, 1843, stating that "the records and files of his office have been carefully examined, from which it appears that David Brown was the secretary to the delegation, and, in holding the treaty, acted as such; but it is not discovered that Brown received any compensation for that service." These would seem to indicate that Mr. Murray, as clerk, prepared the papers for the signature of Mr. Brown, as secretary, and that no payment was made to either of them for those services.

The letter of the Second Auditor also contains a statement of payments made to Thomas Murray for travelling expenses, and for services and expenses as an express, and in purchasing a keel-boat; and for services as clerk from November, 1828, to the close of 1830; but the committee do not find any evidence that Mr. Murray received compensation for services rendered in the winter and spring of 1828, during the negotiation of the treaty, either from the United States or from the Indian agent.

They therefore report a bill for the relief of the memorialist.