

9-24-1850

Report : Claim of the Executor of A. Hunter

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IN SENATE OF THE UNITED STATES.

SEPTEMBER 24, 1850.

Submitted, and ordered to be printed.

Mr. ARCHISON made the following

REPORT:

The Committee on Indian Affairs, to whom was referred the petition of the executor of A. R. S. Hunter, ask leave to report :

That it appears, by the statement of John F. Schermerhorn, the commissioner who negotiated the treaty between the United States and the Cherokee tribe of Indians in 1835, that A. R. S. Hunter was employed by him to furnish the Cherokees with provisions, to save them from starvation, and that he assured him he would be paid a fair price by the government of the United States.

It further appears, that the said Hunter was authorized by Brigadier General Wool, commanding the army in east Tennessee, (whose letter, giving this authority, has been submitted to the committee,) to furnish provisions to the Cherokees. In this letter General Wool says: "The President of the United States has heard that many of the Cherokees are suffering for want of bread. Being desirous to render them assistance, he has directed me to furnish subsistence to all that require it." He adds: "In case they should be willing to receive the assistance thus offered by the United States, you will be pleased to issue rations to as many grown Cherokees and children as you may think require them, reducing the ration according to the age of the children."

It thus appears that Colonel Hunter had ample authority from the government of the United States to furnish these provisions, and full assurance that he would be paid by the government. That he did furnish them, in pursuance of this authority, is proved by the testimony of three witnesses. The only difficulty consists in ascertaining the quantity actually furnished. This is stated from the books of Colonel Hunter, who is now dead. The witnesses express their belief that this quantity was furnished, and prove that a greater quantity was purchased. When the nature of the transaction is considered—the utter impossibility of furnishing vouchers for each ration delivered to the Cherokees and their children; the confidential nature of the authority given, which empowered him to issue rations to as many grown Cherokees and their children as he might think required it—the committee think that the entries made in his book of entry, from which the account now presented is verified to be truly taken, while his representatives, from the nature of the transaction, are unable to furnish any other proof, ought to be received. There is no doubt that he had the authority of the government to furnish these supplies to the

Cherokees; there is no doubt that he did furnish them; and, as the nature of the transaction forbids precise and positive proof, they think that the daily entries in his books, corroborated as these are by the testimony of witnesses as to their belief of the accuracy of these charges, ought to be received as evidence of the quantity furnished. They therefore recommend the following amendment to the Indian appropriation bill:

“For payment of the claim of C. M. Hitchcock, executor of Colonel A. R. S. Hunter, for supplies of provisions to the Cherokees, under the authority of Brigadier General Wool and of J. R. Schermerhorn, commissioner for negotiating the treaty with the Cherokees, from the 26th March to the 16th July, 1836, \$1,236 25.”