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Report : Claim of W. Harding

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S. Rep. No. 98, 31st Cong., 1st Sess. (1850)

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IN SENATE OF THE UNITED STATES.

APRIL 5, 1850.

Submitted, and ordered to be printed.

Mr. RUSK made the following

REPORT:

[To accompany bill S. No. 179.]

The Committee on Indian Affairs, to whom was referred the "petition of William Harding, praying indemnity for expenses incurred and moneys paid while acting as enrolling agent for the United States among the Cherokees," have had the same under consideration, and respectfully report :

That, according to the testimony on file, the petitioner held the appointment of enrolling agent of the United States among the Cherokees. It further appears that, at the suggestion of the officer in charge of the removal of Cherokee Indians, the funds of the government having been exhausted, the petitioner, after having applied to other institutions without success, procured the amount required to carry on the removal (two thousand dollars) on his own note, endorsed by his friends, from the Bank of Macon, in Georgia. The evidence further shows that, a short time after the money was obtained, and before much of it had been expended, the Bank of Macon failed, and subjected the petitioner to the disgraceful charge of having circulated the notes of that institution, knowing them to be of no value, and that it was with difficulty he relieved himself from the reputation, which affected his character and standing very deeply. It is further shown that, so soon as he learned of the failure of the bank, the petitioner went to Macon for the purpose of handing back the notes of the bank which he still held, and recovering his own note for which they had been given ; but that he was told his note had been transferred to a third party, by whom he was subsequently sued, together with his endorsers. The suit thus instituted terminated favorably for the petitioner and his friends ; but in defending himself and them he was subjected to costs and counsel fees amounting to six hundred dollars, vouchers for the payment of two-thirds of which are among the papers on file, and the evidence of his having paid the other third is to be found in the record of proceedings had against him and his endorsers, which is among the papers. The petitioner, having paid these expenses, incurred entirely in behalf of the government and for the good of the public service, and having also made good the notes of the Bank of Macon which he had most innocently circulated, believing the institution to be in a sound condition, now asks Congress to reimburse him the amount so paid.

Your committee are aware of the facility with which claims such as the above may be trumped up, and the necessity of guarding against demands founded upon unauthorized acts said to have been performed with a view to the public good. They believe that claims of this class should be watched and scrutinized with great exactness ; but, in the case under consideration, the proof of the petitioner's appointment as enrolling agent, and of his having acted in the procuration of the money from the Bank of Macon, under the authority of his superior—of the fact of his character having suffered, and of his having reinstated himself in the public esteem—is so clear and evident, that they do not hesitate to express their belief that he is entitled to relief. They therefore recommend the passage of the accompanying bill for his relief.