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MARY JEMISON—HEIRS OF.

[To accompany Bill H. R. No. 252.]

FEBRUARY 3, 1858.—Ordered to be printed.

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

REPORT.

The Committee on Indian Affairs, to whom was referred the petition of George Jemison and others, heirs of Mary Jemison, deceased, respectfully report :

That the petition in this case was before the Committee on Indian Affairs of the House of Representatives at the first session of the last Congress ; that on the 23d day of February, 1855, the committee made a report, with a bill accompanying, which bill passed the House, but failed to receive the action in the Senate.

The facts upon which this claim is founded are sufficiently set forth in the said report of the said committee, a copy of which is hereto annexed, forming part of this report.

The committee herewith report a bill, and recommend its passage.

IN THE HOUSE OF REPRESENTATIVES, *February 23, 1855.*

The Committee on Indian Affairs, to whom was referred the petition of the heirs of Mary Jemison, deceased, respectfully report :

That it appears, from the evidence brought before the committee, that Mary Jemison (usually known as "the white woman") had, at the time of her death, in 1835, on deposit, in the hands of James Stryker, then of Buffalo, sub-Indian agent, the sum of thirteen hundred and thirty-one dollars ; and that her daughter, Polly Jemison, had on deposit, in the hands of the same agent, the sum of three hundred dollars ; that the said agent was a defaulter ; and that on the twenty-first day of July, 1852, Congress passed an act entitled "An act to supply deficiencies," &c., which made provision "for payment to the Seneca Indians, of New York, for moneys wrongfully withholden from them by an agent appointed by the government for the management of their affairs," as per report of Thomas B. Stoddard, Commissioner, selected by the Secretary of War to make the re-

quisite investigation, pursuant to the direction contained in the 4th section of the act of 27th June, 1846, &c. ; that by the said 4th section of said last mentioned act, making appropriations for the current and contingent expenses of the Indian Department, &c., the Secretary of War was required to ascertain what annuities or moneys had been wrongfully withheld from the Seneca Indians, of New York, by the then late sub-Indian agent, and so lost to said Indians, and authorized to issue a commission to some discreet person, or persons, to take testimony and report the same to Congress ; that, in pursuance of this authority, Thomas B. Stoddard was appointed such commissioner, and that he made a report bearing date 26th November, 1847 ; that on September 9, 1850, Mr. Wales, from the Committee on Indian Affairs, in the Senate, made a report in favor of the Seneca Indians, which exhibited six items of account, as stated in Commissioner Stoddard's report, and recommended that an item be inserted in the Indian appropriation bill making provision for the payment of their claims. The Commissioner of Indian Affairs, in 1851, in his "special estimate of funds required for the service of the Indian department for the year ending June 30, 1852," estimated for the sum of \$28,500 50, to be paid to said Seneca Indians ; and he based his estimate on the report of the Senate Committee on Indian Affairs above referred to ; and, in pursuance of the estimate, Congress made the appropriation by the act of the 21st July, 1852, as before stated.

The report of Commissioner Stoddard specifies as the 5th item of "moneys withheld," &c., "Polly Jemison's deposit of \$1,631," and the report of Mr. Wales, above referred to, based on the report of Commissioner Stoddard, recommended to be provided for by appropriation, "amount deposited with agent by Mrs. Polly Jemison," &c.

It appears from an affidavit of said Commissioner Stoddard, sworn to on the 2d day of March, 1853, that thirteen hundred and thirty-one dollars was deposited by the said Mary Jemison with the said James Stryker, according to the evidence before him, prior to the making of his report above referred to.

It is proved that the money so deposited by the said Mary Jemison was derived from a bond and mortgage which she held against Jellis Clute and Micah Brooks ; that she, the said Mary Jemison, made a will bearing date the 3d day of September, 1823, by which she bequeathed to her three daughters, Nancy, Betsy, and Polly, each one quarter of the said bond and mortgage, and to the children of her son Thomas, deceased, the other quarter ; which will was proved before the surrogate of Erie county, in the State of New York, on the 27th day of April, 1835.

It is further shown that the whole sum of \$1,631 was paid by Marcus H. Johnson, sub-Indian agent, to the heirs of Polly Jemison, on the 30th day of September, 1853, under instructions from the Commissioner of Indian Affairs, although prior to that time the heirs of Mary Jemison had made known their claim to a portion of the appropriation and had given notice thereof to the said sub-Indian agent and to the Commissioner of Indian Affairs, and had forwarded affidavits to the office of the Commissioner of Indian Affairs, in support of their claim. The Commissioner not feeling himself authorized by the said notice

and affidavits to change his instructions to the sub-agent, he declined further to interfere.

Your committee, entertaining no doubt that the heirs of Mary Jemison were entitled to the sum of thirteen hundred and thirty-one dollars of the appropriation above mentioned, and that the heirs of Polly Jemison received the whole of said last mentioned sum, when they should have received but one fourth thereof, believe that Congress is bound to reappropriate three fourths of the said last mentioned sum, to be paid to the heirs of Mary Jemison, excluding the heirs of Polly Jemison, and therefore they introduce a bill for that purpose, and recommend its passage.