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John Black

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Recommended Citation

H.R. Rep. No. 491, 47th Cong., 1st Sess. (1882)

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JOHN BLACK.

FEBRUARY 24, 1882.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. HASKELL, from the Committee on Indian Affairs, submitted the following

REPORT:

[To accompany bill H. R. 33.]

The Committee on Indian Affairs, to whom was referred the bill (H. R. 33) for the relief of John Black, report:

From the evidence in this case it appears that United States Treasury draft No. 7500 was issued to John Black on the 10th day of July, 1866, for services rendered by him in the Indian Department, and delivered to one Perry Fuller, in Washington, D. C.; and that on the 16th of July, 1866, the draft was paid at the United States Treasury, in Washington, upon what purports to be an indorsement of Black and Fuller.

It further appears to the satisfaction of your committee that during all the month of July, 1866, Black was in the State of Arkansas, and could not have indorsed the draft, and knew nothing of its having been issued to him.

An examination of the records and files of the case in the Interior and Treasury Departments develops the further important fact that no authority appears for the delivery of this draft to Fuller, and Black himself testifies under oath that he had no acquaintance with Fuller, and never gave him nor any one else any authority, written or otherwise, to either receive the draft or to indorse it for him, and collect the money due thereon. It also appears from a comparison of the indorsement of the draft with the genuine signature of Black that the name on the draft is a forgery.

Your committee are therefore of the opinion that as the evidence is complete that the draft in question was delivered to a third party without authority from the claimant, and thus furnished the opportunity for the forgery by which he has been deprived of his money, he is entitled to be paid the amount due him thereon, and recommend the passage of the accompanying bill.

The papers herewith submitted are made a part of this report.

DEPARTMENT OF THE INTERIOR,
Washington, February 4, 1880.

SIR: I have the honor to return herewith your letter of the 22d ultimo relative to draft, favor John Black, that was delivered to Perry Fuller on or about July 10, 1866, and in reply thereto transmit copy of letter from A. B. Greenwood, formerly Commissioner of Indian Affairs, dated May 8, 1866, filed in Indian Office by Perry Fuller, requesting him (Fuller) to attend to the collection of the claim, and letter of Commis-

sioner of Indian Affairs Cooley, addressed to Fuller, under date of June 26, 1866, notifying him of the allowance of the claim, and that payment would be made to claimant in his care.

Interior requisition was drawn in payment of this claim, \$712, less revenue tax, \$17.80, or in the sum of \$694.20.

This is all the information that appears of record or file in the department in regard to the matter.

Very respectfully,

Hon. D. C. HASKELL,
House of Representatives.

C SCHURZ,
Secretary.

BENTONVILLE, ARK., May 8, 1866.

DEAR FULLER: Inclosed I send you an account in favor of John Black, my son-in-law, against the United States. I am instructed to say to you to collect it if you can, and charge your usual per cent. for trouble, and send to me the remainder. You are also authorized to do any and everything that may be necessary to obtain the payment of the account.

I am suffering from sore eyes, and so soon as I recover I shall do myself the pleasure of writing you a long letter.

My kindest regards to your wife and the family.

Your friend,

A. B. GREENWOOD.

Official copy:

JOS. T. BENDER,
Chief Finance Division, Indian Office.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, June 16, 1866.

SIR: I have to acknowledge the receipt of your letter from A. B. Greenwood, esq., under date May 8, 1866, inclosing the account of John Black for services as special agent, left at this office by you on the 19th ultimo for payment, and have now to say that the account has this day been allowed for \$712 and forwarded to the Second Auditor for settlement, with the direction that the amount be paid to claimant, to your care, present.

Very respectfully, your obedient servant,

D. W. COOLEY,
Commissioner.

PERRY FULLER, Esq.,
Washington City, D. C.

Official copy:

JOS. T. BENDER,
Chief of Finance Division, Indian Office.

TREASURY DEPARTMENT,
February 9, 1880.

SIR: In reply to your letter of the 22d ultimo, which was received at this department on the 4th instant, asking to be informed on what authority a draft for \$694.20, payable to the order of John Black, was delivered to one Perry Fuller by the Second Auditor of the Treasury, I have the honor to transmit herewith copy of a letter from Second Auditor, in which he states that said draft was delivered to Mr. Fuller upon request of the Commissioner of Indian Affairs. Your letter is returned herein as requested.

Very respectfully,

JOHN SHERMAN,
Secretary.

Hon. D. C. HASKELL,
House of Representatives.

HOUSE OF REPRESENTATIVES,
Washington, D. C., January 22, 1880.

SIR: On or about the 10th day of July, 1866, United States Treasury draft for \$694.20, payable to order of John Black, was delivered to one Perry Fuller by the Second Auditor of the Treasury.

It is now claimed by Black that he never at any time knew Fuller, and never gave him or any other person authority to receive said draft, and never authorized its delivery to said Fuller or any other person. Have the kindness to inform this committee upon what authority the accounting officers of the Treasury delivered this draft to said Fuller, and if any written authority is on file with the other papers in the case let a copy of the same be furnished for the information of this committee.

Very respectfully,

D. C. HASKELL.

Hon. JOHN SHERMAN,
Secretary of the Treasury.

TREASURY DEPARTMENT,
February 4, 1880.

Respectfully referred to the honorable Second Auditor for report.

H. F. FRENCH,
Assistant Secretary.

HOUSE OF REPRESENTATIVES,
Washington, D. C., January 22, 1880.

SIR: On or about the 10th day of July, 1866, a draft on the United States Treasury for \$694.20, payable to the order of John Black, was delivered to Perry Fuller, it is said upon the authority of an order to that effect made by the Hon. D. M. Cooley, at that time Commissioner of Indian Affairs. The claim for \$712, for which this draft was issued, was approved in the office of the Commissioner of Indian Affairs, and forwarded to the honorable Second Auditor for settlement on the 27th day of June, 1866, and report No. 2817 was confirmed by the honorable Second Comptroller June 30, 1866, upon which Interior requisition No. 7868 was made, and the draft in question, No. 7500, for \$694.20, was issued upon Interior warrant No. 9635 in satisfaction thereof.

The object of this inquiry is to learn what, if any, authority from the claimant for the delivery of this draft to Fuller is to be found on the files of the case in the Office of the Commissioner of Indian Affairs, and if any is found a copy of the same is respectfully requested for the information of this committee.

Very respectfully,

D. C. HASKELL.

Hon. CARL SCHURZ,
Secretary of the Interior.

TREASURY DEPARTMENT,
SECOND AUDITOR'S OFFICE,
Washington, D. C., February 6, 1880.

SIR: Referring to the letter of the 22d ultimo, addressed by Hon. D. C. Haskell, United States House of Representatives, to the Secretary of the Treasury, which contains the statement that "on or about the 10th day of July, 1866, United States Treasury draft for \$694.20 payable to order of John Black was delivered to one Perry Fuller by the Second Auditor of the Treasury." The letter further states that Black now denies that he ever knew Perry Fuller, and that he never gave said Fuller or any other person authority to receive said draft. The letter also contains a request that "the committee" be informed as to the authority of the accounting officers of the Treasury for delivering the draft to said Fuller.

In answer, it should be stated that the Second Auditor of the Treasury did not deliver the draft in question to Perry Fuller, as it was not one of the duties of that officer to deliver drafts to claimants or their representatives.

The following is a copy of the authority upon which the Second Auditor reported, June 27, 1866, the claim to the Second Comptroller:]

"Claim of John Black for services as special agent—\$712.

"The inclosed certified voucher has been examined and allowed, and is respectfully referred to the Second Auditor of the Treasury for settlement. Payment to be made to the claimant to the care of Perry Fuller, esq., present. Department of the Interior, Office of Indian Affairs, June 26, 1866.

"D. N. COOLEY,
"Commissioner."

The following appears on the report of the Second Auditor to the Second Comptroller: "Six hundred ninety-four $\frac{2}{100}$ dollars to be paid to John Black, care of Perry Fuller, city of Washington."

The records of this office show that the Interior Department, since the office of Indian Affairs was placed under its control, has assumed and exercised the right to direct as to the persons to be recognized as representatives of claimants. The letter from Hon. Mr. Haskell is herewith returned.

Very respectfully,

H. C. HARMON,
Acting Auditor.

Hon. JOHN SHERMAN,
Secretary of the Treasury.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, May 4, 1866.

SIR: In reply to the verbal inquiry of Hon. Henry Poehler, concerning the claim of John Black, amounting to \$712, for services rendered as assistant Indian agent at the Pawnee Agency, in 1861, I have to advise you as follows:

Perry Fuller filed in this office May 19, 1866, a letter addressed to him by Hon. A. B. Greenwood, inclosing an account of John Black (his son-in-law) against the United States, and authorizing Fuller to collect the amount; to charge the usual fee, and to remit the balance to him, Greenwood.

The ledgers of the office show that on the 3d day of July, 1866, a requisition for \$712 was issued in payment for this claim, payment to be made as follows, viz, \$17.80 to be paid to the Treasurer of the United States, revenue tax due, and the balance, \$694.20, to be paid to the claimant, care of Perry Fuller, Washington, D. C.

I inclose memoranda left by Mr. Poehler.

Very respectfully,

R. E. TROWBRIDGE,
Commissioner.

Hon. A. M. SCALES,
House of Representatives.

HOUSE OF REPRESENTATIVES,
Washington, D. C., ———, 187—.

John Black, late assistant Indian agent.

Treas. Drft No. 7500, date July 10th, 1866, for service for Ind. Dept., \$712.00, delivered to Perry Fuller.

July 16th, drft was paid at the Treasury on what purports to be an endorsement of Black & Fuller.

Mr. Greenwood, father-in-law of Black.

(In pencil:)

17 80 Paid to Treasurer U. S., rev. tax.

694 20 " to Black, care Fuller.

712 00 July 3, 1866.

STATE OF ARKANSAS,
County of Benton, ss :

John Black, being first duly sworn, deposes and says:

That he resides in Bentonville, Ark., and is forty-seven years of age. That from August, 1859, to June, 1861, inclusive, he was employed by the Commissioner of Indian Affairs, the Hon. A. B. Greenwood, to assist United States Indian Agent J. L. Gillis, who was then on duty as such agent at the Pawnee Agency in Nebraska Ter.

That a duly attested voucher was issued to him for his services from January 1 to June 30, 1861, for the sum of \$712, which voucher was approved for the sum of \$694.20 on or about the 30th day of June, 1866, for which United States draft No. 7500 was issued, payable to deponent's order, under date of July 10, 1866; and, as he is informed and believes, said draft was delivered to one Perry Fuller, and paid by the Assistant Treasurer of the United States, in Washington, D. C., on the 16th day of July, 1866.

Deponent further says that he never has known such a person as Perry Fuller in all his life, and never gave him, nor any other person, any power over nor authority to receive said draft. That he was not present in the city of Washington at any time during the month of July, 1866, but during all of said month of July, 1866, was living in Bentonville, Ark. That he has never received nor seen the draft No. 7500 herein described and mentioned, and never indorsed the said draft, and never authorized

any person whatsoever to indorse the same, and never authorized any one to receive the money due thereon, nor any part thereof, and has not at any time himself received the proceeds of said draft, nor any part or portion of the same, but avers that the United States is still indebted to him in the full sum of \$694.20 therefor.

Deponent further says that he is informed and believes that said draft No. 7500 has his name indorsed or written on the back thereof, and that immediately following appears the name of said Perry Fuller as the last indorser thereon, to whom he supposes the money called for by said draft was paid; but deponent avers that if his name does appear as indorsed thereon it is a forgery, and was never written by him, nor authorized to be written thereon by him in any way or manner whatsoever.

Deponent further says that he is informed and believes that said draft was delivered to said Fuller by order of the Hon. D. M. Cooley, at that time Commissioner of Indian Affairs. But deponent avers that if such is the case the order so made by said Commissioner Cooley was unauthorized by this deponent, and that he never, verbally, nor in writing, nor in any other manner, authorized the delivery of said draft to any person in the world other than himself.

In support of his statements herein made deponent refers to the files and records of the Indian Department, and the office of the Second Auditor United States Treasury, the Treasurer of the United States, by which each and all of his said statements can be verified.

By reason of the premises deponent hereby requests that a new draft be issued to him for said sum of \$694.20, and delivered to his attorneys, Charles and George A. King, of Washington, D. C., who are hereby authorized to act for him in this behalf, and to prosecute his claim therefor before any tribunal of the government as they may be advised.

JOHN BLACK.

Subscribed and sworn to before me this 8th day of January, A. D. 1880. And I further certify that John Black, who has subscribed his name to the foregoing, is the identical person he represents himself to be, and is a credible and respectable person, and has resided in this county for twenty-five years last past; and that said John Black is now clerk of said county of Benton, and that there is no other clerk of a court of record in said county.

Given under my hand and notarial seal this the day and year above written.

[SEAL.]

F. M. BATES,
Notary Public.

DISTRICT OF COLUMBIA,
City of Washington, ss.:

John Black, of Bentonville, Ark., being first duly sworn, deposes and says:

That he is the identical John Black to whom was issued United States draft No. 7500, dated July 10, 1866, payable for \$694.20.

Deponent further says that said draft was never delivered to him, nor to any one authorized by him to receive the same, but avers that said draft was delivered to one Perry Fuller, a stranger to this deponent.

Deponent further says that he has examined said draft and the indorsements thereon, and finds that his name of John Black has been indorsed thereon; but he avers that said signature is false and forged, and was not written thereon by this deponent, nor by any one authorized in that behalf.

Deponent is further informed and believes that said draft was paid to said Perry Fuller on the 16th day of July, 1866, who indorsed said draft by his said name of Perry Fuller, immediately after the aforesaid forged and false indorsement of deponent's name, and therefore received the amount of said draft of \$694.20, and appropriated the same to his own use and benefit, to the great wrong and injury of this deponent.

Deponent further says that he has never received said sum of \$694.20, nor any part thereof.

JOHN BLACK.

Subscribed and sworn to before me this 26th day of February, 1880.

[SEAL.]

JOHN N. OLIVER,
Notary Public, D. C.

WASHINGTON CITY,
Washington County, ss.:

I, J. R. Pettigrew, on oath state that I am a citizen of Arkansas, and have been acquainted with John Black more than twenty years, most of the time intimately; I am well acquainted with his handwriting from having seen him write often; that the said Black is now and has been for many years the clerk of the circuit court of Benton County, Arkansas, in which court I have been a constant practitioner as an attorney since Mr. Black has been the clerk thereof; that I have examined the Department

Interior warrant No. 7500 for \$694.20 on the Treasury of the United States, payable to the said John Black and drawn by F. E. Spinner, dated July 10, 1866, and paid July 16, 1866.

That the indorsement of John Black on the back of said warrant is not in the proper handwrite of the said Black, as I verily believe.

J. R. PETTIGREW.

Subscribed and sworn to before me this 6th day of March, 1880.

[SEAL.]

R. B. NIXON.

Notary Public.

WASHINGTON CITY,

District of Columbia, ss :

I, W. W. Reynolds, on oath state that I am citizen of the town of Bentonville in the county of Benton, and State of Arkansas, and have been acquainted with John Black more than twenty years, most of the time intimately, having been associated with him as partner in the practice of law; I am well acquainted with his handwrite from having seen him write often; that the said John Black is now and has been for several years the clerk of the circuit court of Benton County, Arkansas; that I have examined the Department Interior warrant No. 7500, for \$694.20, on the Treasury of the United States payable to the said John Black and drawn by F. E. Spinner, dated July 10, 1866, and paid July 16, 1866.

That the indorsement of John Black on the back of the said warrant is not in the proper handwrite of the said John Black, as I verily believe.

W. W. REYNOLDS.

Witness:

GEO. I. REYNOLDS.

Subscribed and sworn to before me this 17th day of March, A. D. 1880.

[SEAL.]

R. B. NIXON,

Notary Public.