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George Elliott [to accompany bill H.R. no. 93].

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GEORGE ELLIOTT.

[To accompany bill H. R. No. 93.]

DECEMBER 27, 1823.

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

REPORT:

The Committee on Indian Affairs, to which was referred the claim of George Elliott, a Cherokee Indian of the nation west of the Mississippi, report :

That the claim consist of the three following items, all of which is abundantly proven by the testimony :

- 1st. To expense of removing himself and other emigrants from the Cherokee nation, east of the Mississippi, to the Cherokee nation west of the Mississippi, - - - - - \$195 50
- 2nd. To expense of coming from the Cherokee nation, west of the Mississippi, to Washington city, for the purpose of establishing his rights of citizenship as a Cherokee, and returning home by the way of the old Cherokee nation, - - - - - \$254 35
- 3d. The value of improvements in the new Cherokee nation, taken from him by the chiefs of said nation, - - - - - \$250 00

The justice of the first item has been admitted by the Indian Department, and a part paid, leaving \$195 50 still due. The committee believe him entitled to the balance. With regard to the second item, the committee are of opinion that, inasmuch as the Government guaranteed to the Cherokees a residence west of the Mississippi, and as this guaranty was violated in relation to the petitioner, by the chiefs of the nation under the alleged objection that he was not a Cherokee in the old Cherokee nation, and therefore not entitled to a residence in the new, his trip to Washington was rendered necessary, in order that he might claim the protection of the Government, and procure an authoritative decision from the Superintendent of Indian Affairs establishing his right to citizenship, which had been disputed. This he did to the satisfaction of the Superintendent, who instructed Mr. Vashoh, the agent, to intercede with the chiefs to suffer him to remain on his improvements unmolested. He also procured from the Superintendent an order to Mr. Montgomery, the agent for the old Cherokee nation, to examine into the fact whether he had been recognized as a Cherokee in that nation previous to his emigration. Mr. Montgomery decided that he had been considered in the old Cherokee nation as a citizen, and entitled to all the privileges of citizenship. This was during the trip, the expenses of which are charged as a part of the account. The committee believe that, as the trip was necessary to secure to him

privileges which the Government had guaranteed to him, the expenses incurred ought to be paid. In the items, however, of expense, he charges the Government with the price of a horse, saddle, and bridle, which he bought, in Georgetown, D. C., to carry him home; and he proves that the horse died on the way. If the horse had have reached the petitioner's residence it would have been his property. Not doing so, could not make it the property of the Government. The committee, therefore, propose to allow the petitioner his expenses which are proven, and reasonable compensation for the use of the horse; and, for this item, they propose \$170.

The last item in the petitioner's account, viz. the value of his improvements, which he has been forced to abandon through the act of the chiefs of the new Cherokee nation, the committee are of opinion ought not to be allowed. If the petitioner has been wrongfully dispossessed of his improvements, as the committee are inclined to believe, it is his duty to apply to the Executive Department of the Government for a fulfilment of all the guarantees held out by the treaty to emigrants; and there is no reason to doubt that ample justice will be done. For the committee so far to sanction the return of Indian emigrants from the place where it has been the object of the Government to concentrate them, by paying them for the improvements they leave behind, would be the worst of policy. Rejecting this item in the account, the committee report a bill for the amount they believe the petitioner justly entitled to receive.