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5-11-1838

Caleb Atwater.

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H.R. Rep. No. 832, 25th Cong., 2nd Sess. (1838)

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CALEB ATWATER.

MAY 11, 1838.

Read, and laid upon the table.

Mr. E. WHITTLESEY, from the Committee of Claims, made the following

REPORT:

*The Committee of Claims, to whom is referred the claim of Caleb Atwater, report:*

That the claimant, with General John McNeil and Colonel Pierre Menard, was appointed in the year 1829 to form treaties with certain Indian tribes at the West; and that said commissioners, on the part and in behalf of the United States, did form treaties with the Winnebagoes, Chippewas, Ottawas, and Pottawatamies, which were afterwards ratified and confirmed by the President and Senate. In the winter of 1829-'30, Mr. Atwater came to the city of Washington, and remained here for some time, as he alleges, at the request of the Committee of Ways and Means, for the purpose of aiding said committee in the passage of appropriation bills to carry said treaties into effect. The aid to be given in the House was, such *explanations* as might be required by members who might start objections, and thereby retard the bills, if not wholly defeat them. The claimant says, he sat by Mr. McDuffie, then chairman of the Committee of Ways and Means, when the bills were under consideration, and explained to him and to others whatever was necessary when information was wanted. Before the bills were reported, that he attended with the treaties and papers at Mr. McDuffie's lodgings, and at the committee-room, at Mr. McDuffie's request; and gave all necessary information for the correct and enlightened action of the Committee of Ways and Means. When the treaties were before the Senate, that he attended on the Committee on Indian Affairs, at the request of the honorable H. L. White, chairman of that committee, and communicated such information to him as the occasion required. His services before the Senate ceased on the last day of December, 1829; and he charges for the time he says he attended before the Committee of Ways and Means, and was in attendance in the House of Representatives at the request of Mr. McDuffie.

He presents the following account, and asks that it be paid to him :

<i>The United States to Caleb Atwater,</i>	DR.
To services as commissioner for forming Indian treaties, from January 1st, 1830, to the 4th day of February, 1830, both days included, at \$8 per day, say 35 days, - -	\$280 00
To travelling home, 400 miles, at \$8 for every 20 miles, - -	160 00
Interest on the same 8 years, - - - -	211 20
	<hr/>
	\$651 20
	<hr/> <hr/>

JANUARY 14, 1838.

I certify, upon honor, that the above account is true, and wholly unpaid.  
CALEB ATWATER.

His papers were referred by the House to the Committee on Indian Affairs, on the 13th of February, 1837; but no report was made. Mr. Atwater, in his letters on the subject of his claim, refers to the chairman of this committee for information, and to other members of Congress. The chairman states, he knew Mr. Atwater was here at the time he mentions; but he has no recollection of having been informed that he was detained by the Committee of Ways and Means.

The committee addressed a letter to Mr. Cambreleng, chairman of the Committee of Ways and Means at this time, and requested him to state whether the records of that committee furnished any evidence that Mr. Atwater was detained by Mr. McDuffie, or by any other member of the committee. The answer of Mr. Cambreleng is in the negative.

A letter was addressed to Mr. McDuffie, who returned the following answer, under date of 17th of March, 1838: "My recollection of the attendance of Mr. Atwater before the Committee of Ways and Means, is too vague to enable me to state any thing about the time and circumstances that would elucidate his claim for services."

The honorable William Creighton, jr., boarded at the same house that Mr. Atwater boarded at; and he recollects that Mr. Atwater attended before the committees of the Senate and of the House, and remained here until the treaties were ratified, and; he thinks, until the appropriation bills passed; that he was impatient to leave the city; and he says his conviction then was, and still is, that Mr. Atwater's presence was required during the period that he remained in the city, but that he was not able to state any thing more specific.

The chairman applied to the honorable H. L. White, of the Senate, for information, and he was furnished with a report made to the Senate, disallowing the same claim, to which reference is made; being a report made to the Senate on the 20th of February, 1838, by Mr. White, numbered 219. Mr. White had corresponded with the Secretary of War on the subject of this claim; and this committee refer to documents Nos. 3 and 4 that accompany the report made to the Senate.

It appears that the President of the United States, after having carefully examined the claim, rejected it. He had as much information on this subject as is before the committee. Much deference should be paid to a decision by the Executive, on the claim of an agent or minister appointed by him. By the report of the Commissioner of Indian Affairs, (docu-

ment number 4,) it appears that Mr. Atwater has been paid extra in 1831 and 1832, \$485, since he closed his account in 1829.

The committee submit the following resolution :

*Resolved*, The claimant is not entitled to relief.

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WAR DEPARTMENT, *October 13, 1836.*

SIR: In answer to your letter of August 22, I have the honor to inform you that I have presented your account to the President, who directs me to make known to you that he has carefully looked into and considered, but cannot allow it; inasmuch as the travel and attendance to this place, charged by you, were never authorized by this Department; and your actual expenses, during the period you attended here, have already been paid.

Very respectfully,

C. A. HARRIS,  
*Acting Secretary of War.*

CALEB ATWATER, Esq.,  
*Circleville, Ohio.*

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WAR DEPARTMENT,  
*Office Indian Affairs, December 15, 1836.*

SIR: In obedience to your direction, I have the honor to report, in reference to the first question contained in the letter of the honorable Thomas Ewing, of the 12th instant, that Caleb Atwater, who was in 1829 a commissioner for holding treaties with the Indian tribes, (and not Indian agent, as stated by Mr. Ewing,) has not received any compensation for remaining at Washington during the session of Congress succeeding the date of the treaty partly negotiated by him. Repeated demands have been made by Mr. Atwater for compensation for remaining here, and his applications have always been refused; the last time, a few weeks since, by the President himself, on the ground that no evidence was produced, or could be found, that he had been requested to do so. In reference to the second question, I have to state that Mr. Atwater received in 1829, while in this city, on an account stated by himself, the sum of \$977; and had previously received from the Commissioner, at the treaty ground, \$315; making \$1,292 for per diem and travelling expenses.

In 1831, on a claim for travelling to Washington and returning home, he was allowed the further sum of \$245; and in 1832, a still further sum of \$240, claimed for per diem while negotiating the treaty, and not included in the first amount; making, in the whole, \$1,777.

Very respectfully,

C. A. HARRIS, *Commissioner.*

HON. B. F. BUTLER,  
*Secretary of War ad interim.*