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Johnson Patrick. (To accompany bill H.R. no. 589.)

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JOHNSON PATRICK.

[To accompany bill H. R. No. 589.]

AUGUST 20, 1842.

Mr. BURKE, from the Committee of Claims, submitted the following

REPORT :

The Committee of Claims, to which was referred the petition of Johnson Patrick, report:

That the petitioner claims of the Government of the United States the sum of \$2,027 64, for boarding sundry Pottawatomie chiefs and their families, in the early part of the summer of 1832, while said chiefs were holding a council at the house of the claimant, who was then an innkeeper at Prairie Ronde, Kalamazoo county, Michigan. The items of the amount claimed are specifically stated in the account presented by the claimant, and seem to have been made out against each of the chiefs to whom board was furnished. The committee have no doubt of the fact, from the testimony presented, that the board charged in the account of the claimant was furnished to the Indians, as therein stated. And the only question for them to decide seems to be, whether the claimant was bound to look to the Indians, against whom the account was originally made out, for payment, or to the Government of the United States.

It appears, from the proof accompanying the claim, that in the early part of the summer of 1832, during the Sac war, the chiefs of the Pottawatomie Indians, inhabiting the Territory of Michigan, held a council at Prairie Ronde, to determine whether they would join the hostile Indians, or take up arms for the United States; that while they were in treaty, which continued several days, in consequence of the fears of the white inhabitants of the neighborhood, the arms and ammunition of the Indians were taken from them by Colonel David E. Brown, then commanding the twelfth regiment of militia of the Territory, which had been called out by the Governor of said Territory, for the protection of the inhabitants, and they were thus deprived of the means of providing sustenance for themselves by hunting; that Colonel Brown then requested the claimant to furnish the Indians with necessary board and provisions until further orders; and that said Patrick accordingly did furnish them, as set forth in his account.

Much testimony is adduced by the claimant to prove the facts above stated; and among the affidavits presented is that of the said Col. Brown, which, in substance, states that said Patrick did furnish said Indians with board and provisions, during said council, at his request; that he has seen the account of the claimant, filed in the War Department, and has no doubt that the same is correct; and "that the acts so performed by him, as com-

mandant of the twelfth regiment, were recognised by the United States; and that he has received his pay for such services from the United States." There is also much other testimony corroborative of the testimony of Col. Brown, which, as the committee have no doubt of the facts, it is not deemed necessary to state particularly.

It appears also, from the testimony, that the claim of the petitioner was originally made out against the said Indians, under the belief that it would be allowed by the commissioner appointed by the War Department "to examine claims of the citizens of the United States against the Ottawas, Chippewas, and Pottawatomies;" and that the same was presented to the commissioner, General William B. Mitchell, and disallowed by him, on the ground that it was a claim *against the United States*, and not the Indians, "if the Indians were assembled at the instance of the United States, or some officer of a State afterwards recognised to be in the service of the United States." That such was the fact, is substantially proved by the testimony of Col. Brown, who does not in fact state that the Indians were assembled at the order of the United States, or by his order, acting under the order of the Governor of Michigan, but that the council resulted in benefit to the United States; that he attended said council, and ordered the supplies which were furnished the Indians by said Patrick; and that his services were subsequently recognised and paid for by the United States. Under all these circumstances, the committee cannot doubt that the claimant is entitled to a reasonable compensation for the subsistence furnished the Indians, as stated in his account, and it only remains to inquire what would be a reasonable compensation.

The claimant has charged for boarding each Indian and each of the larger children 50 cents per day, and for the smaller children 25 cents per day. He also charges for flour four cents per pound, and for pork ten cents. in the opinion of the committee, these charges are too high by one-third; and, deducting that amount from the sum claimed, they report a bill for the residue.