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CLAIM OF JOSEPH E. JOHNSON AND F. J. WHEELING.

LETTER

FROM

THE SECRETARY OF THE INTERIOR,

IN RELATION TO

The claim of Joseph E. Johnson and F. J. Wheeling.

MAY 10, 1858.—Referred to the Committee of Ways and Means

DEPARTMENT OF THE INTERIOR,

May 4, 1858.

SIR: I have the honor to transmit herewith a copy of a report addressed to this department on the 22d ultimo by the Acting Commissioner of Indian Affairs, in relation to the claim of Messrs. Joseph E. Johnson and F. W. Wheeling against the United States for compensation for expenses incurred by them in the transportation and subsistence of a delegation of Omaha Indians, who visited Washington in 1851—'52.

It will be perceived that the Indian Office recommends the re-appropriation of the sum of three hundred and thirty-five dollars, being the unexpended balance of the appropriation of three thousand dollars, made June 30, 1852, for defraying the expenses of the Omaha delegation, which was carried to the surplus fund in June, 1857. Concurring in the views of the Commissioner, I would respectfully recommend that this amount be re-appropriated to enable the department to effect a final settlement with Messrs. Johnson and Wheeling.

Very respectfully, your obedient servant,

J. THOMPSON,

Secretary.

Hon. JAMES L. ORR,

Speaker House of Representatives.

DEPARTMENT OF THE INTERIOR,
Office Indian Affairs, April 22, 1855.

SIR: In compliance with the request of B. Henn, esq., per his letter to this office of the 22d ultimo, I have the honor to refer to you, for your consideration and decision in the premises, the following

letters connected with the claim of Joseph E. Johnson and F. J. Wheeling, for the expenses of a delegation of Omaha Indians, who visited this city in the winter of 1851-'52:

No. 1 is the letter of F. J. Wheeling and J. E. Johnson, dated February 9, 1852, enclosing a paper which they style an "Abstract of expenses of the Omaha Indian delegation now in Washington, conducted and in part paid by F. J. Wheeling and J. E. Johnson," amounting in the aggregate to \$7,959 70.

No. 2, dated February 16, 1852, is a letter from this office, referring the above mentioned communication from Messrs. Wheeling and Johnson, together with the "Abstract of expenses," to the Hon. A. H. Stuart, Secretary of the Interior, recommending that the necessary expenses of the delegation "while in Washington, and of their return to their homes, should be paid by the government," and giving as an opinion that \$2,500 would be sufficient for that purpose, at the same time suggesting that Congress should be asked to appropriate that amount.

No. 3, dated February 20, 1852, is the reply to a letter of Messrs. Wheeling and Johnson, in which the Commissioner of Indian Affairs, in speaking of the appropriation asked for, says: "I regret to learn that the appropriation is not likely to be made for several weeks, and I entirely agree with you that the Indians should not be kept here for such a length of time. All I can say is, that when the appropriation is made, so much as shall be necessary will be applied to the payment of their expenses while here, and the remainder will be paid to you on satisfactory evidence that the Indians have been safely conducted back to their homes."

No. 4 is a letter from J. E. Johnson, dated at Cincinnati, March 8, 1852, reporting the progress of the Omahas, in which he says that, from various causes, the expenses of the Indians have been much higher than anticipated, and expresses the hope that an appropriation will be made to indemnify, &c.

No. 5, dated June 5, 1853, is a letter filed by the Hon. A. W. Babbitt, addressed to him by J. E. Johnson, requesting Mr. B. to "collect the balance of the appropriation for the benefit of the Omaha Indian delegation that went to Washington in 1851-'52." An account is enclosed in this letter, amounting to \$1,450 in favor of "J. E. Johnson, surviving partner of Johnson and Wheeling."

No. 6 is a letter from the Hon. Messrs. Dodge, G. W. Jones, and Bernhart Henn, dated January 10, 1854, who request the early and favorable consideration of the claim of J. E. Johnson, Mr. Wheeling being deceased.

No. 7 is the reply to the above, dated February 18, 1854, in which Messrs. Dodge, Jones, and Henn, were informed that the Commissioner did not feel authorized to comply with Mr. Johnson's demand, in the absence of the testimony establishing the fact, that his expenditures, on account of the transportation of the delegation of Indians from this city to their home, amounted in the aggregate to the sum claimed by him, and that which has heretofore been paid on said account.

No. 8 is a letter of the Hon. A. C. Dodge and B. Henn, dated March 24, 1854, enclosing two letters from J. E. Johnson, and asking

that an estimate of such amount as the Commissioner should think in justice should be made to Messrs. Johnson and Wheeling, in order that the matter might be submitted to Congress for its consideration.

No. 9, dated March 27, 1854, is the reply to Messrs. Dodge and Henn, informing them of the previous action of this office in regard to the claim of Messrs. Wheeling and Johnson. The letter concluded thus: "If Congress should see fit to appropriate money to reimburse Messrs. Wheeling and Johnson, I am of opinion that the amount to be paid them should not exceed the sum of \$2,000."

No. 10, dated July 14, 1854, from the Hon. B. Henn, enclosing the letter of L. R. Smoot addressed to the Hon. A. W. Babbitt, July 1, 1853, and the affidavits of A. W. Babbitt and Joseph E. Johnson, in relation to the claim of the latter. Mr. Smoot, it appears, was, at the time of his writing, a clerk in this office, and in his letter referred to says: "I am authorized by him (Mr. Mix) to say to you, that the balance of the appropriation unexpended will be remitted to the superintendent of Indian affairs at St. Louis, to be turned over to Major Burrow's successor, for payment to Mr. Johnson, as desired by you, at an early day."

No. 11, B. Henn, esq., under date of March 22, 1858, gives the history of the claim of Mr. Johnson, and makes claim on the behalf of Mr. Johnson for the unexpended portion of the appropriation of August 30, 1852, for the expenses of the delegation of the Omaha Indians.

The only appropriation made by Congress for the purpose referred to was for \$3,000, and may be found in the act of August 30, 1852, vol. 10, page 47, out of which it appears that the sum of \$2,665 has been expended, leaving a balance of \$335, which balance was, on the 30th June, 1857, carried to the surplus fund.

After a full consideration of all the facts elicited from the foregoing correspondence, I would respectfully suggest that the balance of the \$3,000 appropriated on the 30th June, 1852, for the expenses of a certain party of Omaha Indians, &c., being \$335, which was carried to the surplus fund on the 30th June, 1857, be estimated for, and on its re-appropriation that it be paid over to Joseph E. Johnson as the surviving partner of Wheeling and Johnson, on his executing a receipt in full for all demands on account of services and expenditures in conducting said party of Indians in the winter of 1851-'52.

Very respectfully, your obedient servant,

CHARLES E. MIX,
Acting Commissioner.

Hon. JACOB THOMPSON,
Secretary of the Interior.