

5-22-1858

## Report : Mr. Polk

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### Recommended Citation

S. Rep. No. 272, 35th Congress, 1st Sess. (1858)

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IN THE SENATE OF THE UNITED STATES.

MAY 22, 1858.—Ordered to be printed.

Mr. POLK made the following

REPORT.

[To accompany Bill S. 398.]

*The Committee on Claims, to whom was referred the memorial of William Money, report:*

This case was examined by the Senate Committee on Foreign Relations at the first session of the 32d Congress, who made a report thereon, (No. 242,) accompanied by a bill, which passed the Senate, but failed to receive the final action of the House of Representatives.

Upon a careful re-examination of the papers in the case, this committee concur in and adopt the report above referred to, which is as follows, viz:

IN THE SENATE OF THE UNITED STATES, May 27, 1852.

*The Committee on Foreign Relations, to whom the memorial of William Money was referred, report:*

That the memorialist claims compensation for forty-five horses seized under the orders of General Kearny in California, and for other articles lost, as he avers, in consequence of the conduct of the troops under the command of said Kearny. The horses are valued at \$100 each. The memorialist alleges that he had been engaged for many years as a naturalist, in exploring California, studying the geology, geography, and productions of the country, with a view to publish the information accumulated by his observations and researches; and that he had compiled a large manuscript volume, containing many drawings, paintings, and maps, which was worth \$10,000. He says he had instruments connected with his scientific investigations in natural history worth \$320, and personal baggage and provisions worth \$680. He states that in November, 1846, he left the town of Los Angeles for Sonora, and having reached an Indian village, called Howargo, was there deprived of his horses by the troops under the command of General Kearny, and thus deprived of the means of pursuing his journey or of returning. He moreover states, "that in-

formation having been giving by General Kearny's troops to those Indians and to the neighboring tribes, that the country was under the American flag, and that it became the duty of those Indians to aid and assist in the American cause, and to prevent the passage of all persons from the settlements to Sonora, it was a sufficient incentive to the Indians for the exercise of their natural inclination for pillage; and after the departure of the troops of General Kearny the Indians took prisoners the whole of the memorialist's party, and commenced an indiscriminate plunder of the property and baggage of the memorialist, and in a few moments totally destroyed all the valuable manuscripts, drawings, maps, and interesting documents, the result of more than twenty years' arduous labor, and upon which the memorialist placed his sole dependence for his future maintenance.

The memorialist also mentions the sufferings to which his wife was subjected in consequence of his losses. His statements on this subject present a case of female suffering of very aggravated character, and well calculated to make a deep impression on the sensibilities of the heart.

The committee, after due deliberation, have determined to report a bill authorizing an inquiry into the truth of the allegations of the petition, and to provide for the payment of as many of the horses of the petitioner as were taken under the orders of General Kearny and appropriated to the service of the United States.

The committee would have reported a bill for the immediate payment to the petitioner of the value of the horses claimed by him, but for certain circumstances which have in a great degree thrown suspicion upon the whole claim, and which the committee deem proper to state. The affidavits, which prove the value of the horses and the property, state, in words written at length, the value of the articles. It appears, from the inspection of the affidavits, that the value for each horse was first written *forty* or *fifty dollars*, and that the word "*forty*" or "*fifty*" has been erased, and 100, in figures, inserted in its place, preceding the word dollars. It is clear that the word erased was *forty* or *fifty*, but which cannot be distinctly told. At the time General Kearny invaded California, the committee has ascertained from various sources that the usual price for the best horses in California did not exceed the price of \$25 per head, on an average. It seems to the committee that the valuation put upon the horses by the witnesses whose affidavits are filed, was very extravagant, compared with reliable information obtained from other sources; but when the valuation as originally written in the affidavits has been erased and figures inserted doubling the price, such fact brings a just suspicion upon the whole claim.

The committee perceive no ground, no proof, upon which the government of the United States can justly be made responsible for the depredations committed by Indians in the manner stated. There is no evidence that General Kearny or any of his officers or men gave directions to the Indians to make prisoners of the memorialist and his family, or depredate on his property. Nor does the committee perceive that the loss of the manuscripts, &c., &c., was a necessary consequence of the seizure of the horses. Thieves may have stolen

the property, even if the horses had not been taken. The damage complained of for the loss of all the property, except the horses, is too contingent and uncertain to constitute a valid claim against the government. Moreover the committee have no means of forming a judgment in regard to the value of the maps, drawings, manuscripts, &c., said to have been destroyed by the Indians. Some samples of the talent of the memorialist which have been exhibited to the committee do not produce any favorable opinion of the value of manuscripts, &c., said to be destroyed.

The committee herewith submit a bill.