

HIRAM K. TURK.

FEBRUARY 9, 1838.

Read, and laid upon the table.

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

REPORT:

The Committee of Claims, to which was referred the petition of Hiram K. Turk, report:

He states that Benjamin F. Currey was an agent on the part of the United States for the removal of the Cherokee Indians, and appointed the petitioner an agent to enrol the Indians of that tribe for emigration. Mr. Currey and other agents were afraid to go among the mountain Indians, and particularly among those residing in North Carolina; and the petitioner was employed for that dangerous service: and when discharging it he says he was assailed on the road and shot, in the summer of 1835, by a blood-thirsty Indian called Conaluska. He barely escaped with his life, and has not yet recovered from the effects of his wound. He was obliged to employ surgical aid. He has incurred considerable expense, which he prays Congress to reimburse.

He presents a printed form, prescribed by the Secretary of War, to be observed in enrolling the emigrating Indians, on one margin of which is written, in the hand of Mr. Currey, the following, to wit: "Colonel Hiram Turk is hereby authorized to enrol Cherokees, on the terms annexed. Signed Ben. F. Currey, superintendent Cherokee removals."

B. M. Bayly charges as follows:

July 1, 1835. To travelling 26 miles; reducing one dislocated bone; setting one bone; dressing two gunshot wounds, and medicine, \$30 25

J. W. Edington charges for professional services as a physician, in attending on Colonel Turk from the 15th of July to the 23d of August, inclusive, - - - - - 235 00

\$265 25

These accounts are sworn to. There is no evidence that Colonel Turk has paid either of the said accounts.

A report from C. A. Harris to the Secretary of War, was transmitted, on application of the committee for information, to which the committee refer, and make the same a part of this report. Mr. Harris says there is no evidence in the Indian Bureau that Colonel Turk was ever appointed to serve in any capacity to aid in removing the emigrating Indians in 1835,

after the 12th of February. He furnished the committee with the regulations for removing the emigrating Indians, and refers to such sections and articles as he supposes have a bearing on this case.

The 4th article of section 2 is as follows: "Each special agent shall, immediately upon entering on his duties, or whenever hereafter it may become necessary to employ assistants, submit to the War Department the names of the persons proposed to be employed; the nature of the duties to be assigned to them; and the amount of the compensation to be given. No person will be employed, except temporarily and from necessity, without the previous sanction of the Department."

The appointment of Colonel Turk not having been returned to the War Department, and sanctioned, must have been temporary.

Enrolling agents, by the 9th section, were entitled to four dollars per day.

By the 2d article of the 8th section, those engaged in the business were required to furnish their own horses; and the compensation allowed in the 9th article was to be in full "for all services and expenses of every nature and description," except when attending a detachment of Indians, and then transportation and travel and subsistence were allowed.

It appears from the books of the Second Auditor that he was paid \$116 on the 11th of September, 1835, as enrolling agent, from the 15th of January to the 12th of February, 1835. His name does not appear on any of the lists as agent for the 4th quarter of 1834, 2d, 3d, and 4th quarters of 1835, or 1st quarter of 1836.

If he had been in the service of the United States after the 12th of February, 1835; it is extraordinary he did not make application for his pay before this time.

The petitioner must be mistaken as to his being in the public service about the 1st of July, 1835; although he may be correct in his having been wounded by an Indian at or near that time.

The following resolution is submitted:

Resolved, That the petitioner is not entitled to relief.