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Moses Meeker.

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H.R. Rep. No. 235, 35th Cong., 2nd Sess. (1859)

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MOSES MEEKER.

[To accompany Bill H. R. No. 919.]

MARCH 31, 1859. —Ordered to be printed.

Mr. DAVIDSON, from the Committee of Claims, made the following

REPORT.

*The Committee of Claims, to whom was referred the petition of Moses Meeker, asking for a return of rent-lead erroneously exacted from him for mining and smelting in the Upper Mississippi lead mines, report:*

That Moses Meeker, the petitioner, previous to the year 1823, made an arrangement with the Winnebago, Ottawa, Pottawatomie, and Chippewa Indians, and obtained from them permission to work certain lead mines on the lands occupied by them on the Upper Mississippi, within the Territories of the United States, and to which their title had not been extinguished.

Some time after this arrangement was made, it seems that the agent of the United States saw fit to contest the right of Mr. Meeker to carry on the business of mining and smelting, and insisted upon his paying rent to the United States for the use of the mines, and taking from them a lease or license to that effect. When this interference with the operations of Mr. Meeker first took place appears to have been in the year 1825, as rent was paid during that year by him to the United States, as appears from the receipts of said Meeker and the books of the United States lead agency, now on file in the General Land Office, in Washington, several copies of leases and permits, signed by Lieutenant M. Thomas, superintendent of United States lead mines, the earliest dated in May, 1825, giving Mr. Meeker permission to mine and purchase and smelt lead, stipulating to pay a certain rent therefor, have been exhibited to the committee.

The Indian title to the land on which the mines were situated was not extinguished until 1829 and 1832, when the treaties of Rock Island and Prairie du Chien were respectively made (see 7 vol. Stat. at Large, pp. 320 and 370) with different tribes occupying them. From the time the agents of the United States first claimed rent for the working of these mines, it appears from a statement furnished by the Commissioner of the General Land Office, with his letter dated January, 1859, that Mr. Meeker had delivered to the United States, up to 1830, the time when the Prairie du Chien treaty went into effect, 125,000 pounds of lead.

Your committee are of the opinion that the rent so exacted from the

petitioner was wrongfully exacted, and that it is the duty of the government to refund the amount so unjustly taken from him. This view has been twice taken by Congress: first, in the year 1848, when Congress passed an act for the relief of J. P. B. Gratiot and Henry Gratiot; and second, at the present session, in the case of Joseph Hardy and Alton Long. Both of the above cases are precisely parallel with the case under consideration; the Gratiots and Hardy and Long mined and smelted in the same neighborhood with Meeker, and their rights rest upon the same foundation.

Your committee therefore do not hesitate to recommend the passage of the bill herewith reported, providing for the liquidation and payment to the petitioner of the value of the lead so received by the United States.

GENERAL LAND OFFICE,  
January 13, 1859.

SIR: In reply to your letter of the 11th instant, I have the honor to state, that it appears from the quarterly and consolidated returns that Moses Meeker paid the following amounts of lead rent for the periods named, viz:

In the 4th quarter of 1825 and the 1st and 2d quarters of 1826.....	14,417 pounds.
In July and August, 1826.....	10,901 pounds.
In 3d and 4th quarters of 1826 and 1st quarter of 1827.....	33,580 pounds.
In 2d quarter of 1827.....	16,252 pounds.
In 3d quarter of 1827.....	26,098 pounds.
In 4th quarter of 1827.....	9,908 pounds.
In 2d quarter of 1828.....	14,838 pounds.
 Total number of pounds.....	 125,994

I am, with great respect, your obedient servant,

THOMAS A. HENDRICKS,  
*Commissioner.*

Hon. C. C. WASHBURN,  
*House of Representatives.*