

L. A. MORRIS.

APRIL 24, 1880.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. CULBERSON, from the Committee on the Judiciary, submitted the following

REPORT:

[To accompany bill H. R. 963.]

The Committee on the Judiciary, to whom was referred the bill (H. R. 963) for the relief of L. A. Morris, have considered the same, and make the following report:

On the 25th day of September, 1875, suit was instituted in the district court of the United States for the western district of Arkansas, at Fort Smith, in behalf of the United States, against T. T. Maxwell and L. A. Morris, under the name and style of Maxwell & Morris, partners in trade, John A. Fitch, and John Dorchester, to recover the penalty of a bond executed by the said Maxwell & Morris, as traders in the Choctaw Nation. The breach alleged in the complaint consisted in a violation of that provision of the bond which obligated the said Maxwell & Morris to obtain a license from the local authorities of the Choctaw Nation before offering or exposing their goods for sale.

On the 11th day of November, 1878, the suit was dismissed as to all the defendants except L. A. Morris, and judgment was recovered against him for the sum of \$5,000, the penalty of the bond.

The facts in the case appear to be as follows: In 1875 Maxwell & Morris, having been appointed Indian traders, executed the bond declared upon, and the same was presented to and approved by E. P. Smith, Indian Commissioner. Upon the execution and approval of the bond license was duly issued to said Maxwell & Morris to trade in the Choctaw Nation.

L. A. Morris applied to George W. Ingalls, agent for the five civilized tribes of Indians, to ascertain if it was necessary to obtain a permit to trade from the local authorities of the Choctaw Nation, and was informed by him that it was not necessary. He was advised by Ingalls, the Indian agent, to get up a petition signed by a number of leading or prominent men, asking for the privilege of trading with the Indians. The petition was prepared and the signatures of several persons obtained, but was never presented, as, under the advice of the Indian agent, a permit was not believed to be necessary. One condition of the bond recites that "the principal shall faithfully conform to and observe all the laws and regulations made, or which shall be made, for the government of trade and intercourse with the Indian tribes. By reference to the treaty existing between the United States and the Choctaw Nation it will be seen that, in addition to the license granted by the government,

permission must be obtained from the local authorities of the nation before it shall be lawful to sell or expose for sale goods in the Territory.

It was also in proof before the court that shortly after Maxwell Morris commenced selling the goods their store was closed by order of the authorities of the nation, and considerable damage resulted to the stock of goods on account of the seizure.

Upon this statement of facts the court gave judgment against L. A. Morris for the sum of \$5,000, the penalty of the bond.

In view of the facts in the case, the committee believe that Morris did not intend to violate the law, and if such violation was established before the court it was merely technical.

The committee recommend the passage of the bill.