

S. T. MARSHALL.

MARCH 17, 1876.—Committed to a Committee of the Whole House and ordered to be printed.

Mr. BOONE, from the Committee on Indian Affairs, submitted the following

REPORT:

[To accompany bill H. R. 2695.]

*The Committee on Indian Affairs, to whom was referred the bill (H. R. 118) for the relief of S. T. Marshall, have had the same under consideration, and beg leave to report, as follows:*

As the purchasing and disbursing agent of the commission which was sent to California in 1850 to make treaties with the hostile Indians in California, Reddick McKee made a contract with General Estill to furnish beef-cattle for the escort of United States soldiers which accompanied said McKee and party; that said Estill did furnish a large number of cattle under the contract, in which the claimant seems to have been interested. In December, 1850, at San Francisco, the accounts of Estill and Marshall were settled, and the agent McKee gave to them a certificate of indebtedness showing that there was due them on the beef contract the sum of \$6,598.49, which said McKee said, and still says, he had not the money to pay, in consequence of the appropriation for the service in California having been reduced much below what he supposed it would be. As evidence of said indebtedness, however, said McKee gave to G. M. Marshall a certificate of indebtedness. A copy, as sworn to by said McKee, is herewith submitted, together with the other evidence in the case. And, confirmatory of this, said McKee, in his official report to the Committee of Indian Affairs, states that this amount is due to said Marshall, but qualified by an indorsement in these words, "Subject to credit." But your committee have not been able to ascertain the amount of the "credit" to which said claim is "subject," nor on what account. Your committee are satisfied, however, that a part at least of this claim is just, and ought to be paid.

It may be, and your committee believe it is, true that the contract made by said McKee with Estill and Marshall to furnish beef to the expedition was made without authority of law; but the evidence shows very clearly that said McKee was the accredited agent of the Government, and that these parties contracted with him under the belief that he had authority to contract with them for and on behalf of the Government, and that he himself believed he had authority to make the contract with them; and also that these parties, in good faith, furnished the beef-cattle for the use of the Government, and that the Government got the benefit of them. It seems but just and equitable, therefore, that these parties should be paid a fair compensation for their property so furnished the Government. Your committee, therefore, recommend the passage of the accompanying bill, as a substitute for House bill No. 118 referred to them.