

L. A. MORRIS.

MAY 12, 1882.—Committed to the Committee of the Whole House and ordered to be printed.

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

REPORT:

[To accompany bill H. R. 2158.]

The Committee on the Judiciary, to whom was referred the bill (H. R. 2158) for the relief of L. A. Morris, have considered the same, and make the following report:

T. A. Maxwell and L. A. Morris were sued in the district court of the United States for the northern district of Arkansas, on the 25th of September, 1875, as partners in trade under the firm-name of Maxwell & Morris, and John A. Fitch and John Dorchester as their sureties, to recover the penalty of the bond executed by said persons on _____ of _____, 1875, upon the appointment of said Maxwell and Morris as traders in the Choctaw Nation. One provision of said bond is 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.

The existing treaty between the United States and said tribe of Indians required said traders to obtain authority from the Choctaw Nation to sell or expose for sale goods in said nation in addition to the license granted by the United States. The breach alleged was that Maxwell & Morris failed to obtain such license from the Choctaw Nation.

It seems from the evidence submitted that said traders desired to do their duty in this respect, and to that end requested one George W. Ingalls, then agent of the five civilized tribes of Indians, to advise them as to what was incumbent upon them under the stipulation of said bond hereinbefore set out, and pursuant to his advice they obtained the signatures of several persons to a petition asking for the privilege of trading with the Indians, but did not present the same, as said agent (Ingalls) advised them that a formal permit issued by the nation was not necessary.

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

The evidence on the trial showed that very soon after Maxwell & Morris opened their store it was closed by order of the authorities of said nation, and by reason of such order much damage resulted.

Your committee believe that L. A. Morris did not intend to violate his said bond, but that in good faith he acted according to the counsel

given by said Indian agent, not supposing that a breach would occur thereby.

The Judiciary Committee of the House of Representatives of the Forty-sixth Congress, second session (Report No. 1131), unanimously expressed the views contained in this report.

The committee recommend the passage of the bill.



REPORT

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