

J. M. HOBBS.

JUNE 3, 1886.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. HOWARD, from the Committee on Claims, submitted the following

R E P O R T :

[To accompany bill H. R. 118.]

*The Committee on Claims, to whom was referred the bill for the relief of J. M. Hobbs (H. R. 118), have had the same under consideration and respectfully report :*

The claim is for 3,042 pounds of manufactured tobacco furnished the Government, upon contract with A. B. Greenwood, Commissioner of Indian Affairs, for the use of the Indian Bureau, at the rate of 32 cents per pound, \$973.44.

The Commissioner of Indian Affairs, A. B. Greenwood, states upon oath that in the fall of 1860 he was Commissioner of Indian Affairs, and at that time by the direction of the Secretary of the Interior, with the approval of the President, he was directed to repair to what was then known as Bent's Fort, on the upper Arkansas, to meet the Cheyenne and Arapahoe Indians, for the purpose of concluding a treaty with those tribes. A train loaded with goods was to be sent out for these Indians, and it became necessary to procure tobacco, and it was thought best to procure a good article; and upon making inquiry as to article and price, he contracted, as Commissioner of Indian Affairs, with J. M. Hobbs (this claimant) for what tobacco it was thought necessary to purchase. By the terms of the contract the tobacco was to be delivered at Kansas City, Mo., to be sent out upon the train, which was to start from Kansas City; that from some cause the train started earlier than first agreed upon. The commissioner states he did know the reason for the train starting earlier than the time first agreed upon, but has now forgotten. The tobacco was delivered by the time stipulated. On the arrival of the commissioner he found the tobacco stored at Kansas City, the place agreed upon in the contract for the delivery of the same, at a warehouse used for storing Government goods; took a portion of the tobacco with him and distributed on his trip to the Indians. On the return of the commissioner from the Indian country to Kansas City, left the tobacco in charge of the warehouseman, subject to orders from the Indian Office at Washington, intending the tobacco to be used in supplying the Indians the next season.

The commissioner further states that he had kept a full and complete memorandum of his trip, &c., but it was burned during the late war, with every other paper he possessed of any value; for that reason is unable to fix dates precisely, &c.; that the tobacco delivered was

3,042 pounds, at 32 cents per pound. In regard to the price, it was thought to be at the time the most advantageous to the Government.

The claimant swears to the correctness of the account, and that the tobacco was delivered according to the terms of the contract.

John Lechliter, an expert tobacconist, swears he was an employé of J. M. Hobbs in the summer of 1860, at Hobbs's tobacco factory at Bentonville, Ark., putting up tobacco, and that in the latter part of the summer of that year two loads of manufactured tobacco, grade No. 1, were loaded up at the factory to be carried, as he understood, to Kansas City, Mo., upon a contract with A. B. Greenwood, then Commissioner of Indian Affairs, to be issued to the Indians; that the tobacco at that time was worth at the factory 32 cents per pound.

Your committee are of the opinion that the contract was made in good faith; that the tobacco was delivered according to the terms of the contract, and that the same has never been paid for; that the price charged was reasonable for the quality furnished, and that it is reasonable to presume that the tobacco was used for the benefit of the Government, and that the weight of evidence is overwhelmingly in favor of the correctness of the claim. They therefore recommend that the bill do pass without amendment.