

CLAIMS AGAINST FOND DU LAC INDIANS.

JANUARY 7, 1891.—Committed to the Committee of the Whole House and ordered to be printed.

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

REPORT:

[To accompany H. R. 11047.]

The Committee on Indian Affairs, to whom was referred the bill (H. R. 11047) authorizing the Secretary of the Interior to determine certain claims against Fond du Lac Indians report the same back, amended by adding at the end of line sixteen a proviso reading as follows:

Provided, That such payments, if any, shall be made out of moneys realized for timber cut during the years eighteen hundred and eighty-eight and eighteen hundred and eighty-nine, and no other.

And recommend the passage of the bill as amended.

The following letter from the Department of the Interior is adopted as a portion of this report:

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, May 24, 1890.

SIR: I am in receipt of your communication, dated May 5, 1890, in which you inclose verified statements in the claims of certain merchants of Cloquet, Minn., against certain Fond du Lac Indians, and ask whether I am authorized to adjust these claims, and, if not, to advise you what course to pursue in the matter.

It appears that various merchants of Cloquet advanced merchandise to certain Indians during 1888 and 1889, who had contracted for the sale of pine timber on lands allotted to or selected by them, taking the order of the Indian on the contractor, which orders were approved by the Indian farmer and accepted by the contractor. In previous years this course had been pursued without loss, the Indian agent supervising the settlements.

The unsettled orders amount to some \$6,600, as stated in the papers.

During the spring of 1889 the timber cut during the preceding winter was seized as the property of the United States, and it is alleged one of the defendant contractors has paid into court the sum of \$19,000 as a cash fund to await future action of the Government, and as a compromise of the actions against him.

From the records of this office it appears that the greater part of the timber cut on the Fond du Lac Reservation during the winter of 1887-'88 was cut upon lands which had been selected by individual Indians, but the allotment of which had not been approved by competent authority.

The Indians therefore (except the few whose allotments had been approved) had no right to contract for the sale of the timber on the lands selected by them, and no legal right to the proceeds derived from the marketing of such timber. As the orders, however, had the approval of the proper Indian official, and there is no reason to doubt the good faith of the merchants, whatever may be the fact in that regard as to the contractors, I think the value of the goods so advanced should be reimbursed to the parties furnishing the same.

I do not see, however, that this office can afford or suggest any relief in the present status of the case. It has no other information in regard to the compromise with Hynes (the principal trespasser) than that contained in the papers forwarded by you.

When the case is finally disposed of and the proceeds of the timber cut on unap-

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proved allotments are deposited in the Treasury, the money will be subject to appropriation by Congress. In my opinion it should be expended for the benefit of the Indians, and provision should be made for the adjustment of all just and valid claims for money or merchandise advanced to the Indians in good faith.

The papers are herewith returned.

Very respectfully,

R. B. BELT,
Acting Commissioner.

Hon. S. G. COMSTOCK,
House of Representatives.

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