

12-17-1873

Report : Petition of A. Darling

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IN THE SENATE OF THE UNITED STATES.

DECEMBER 17, 1873.—Ordered to be printed.

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

REPORT:

The Committee on Claims, to whom was referred the petition of Antoinette Darling, praying compensation for damages sustained in consequence of Indian depredations in Minnesota, have had the same under consideration, and submit the following report:

This petition was originally introduced in the Fortieth Congress on the 26th May, 1868, and referred to the Committee on Indian Affairs. It has been since introduced in the Forty-first and Forty-second Congresses, has been successively referred to the Committees on Indian Affairs, Appropriations, and Claims, and on the 15th February, 1873, the Committee on Claims was discharged from its further consideration.

Some remedy should be found to prevent the continued reference of claims which have been repeatedly examined and found to be such as ought not to be allowed, and the committee are of opinion that there should be a rigid enforcement of the spirit of the forty-ninth rule of the Senate, which provides that "whenever a claim is presented to the Senate and referred to a committee, and the committee report that the claim ought not to be allowed, and the report be adopted by the Senate, it shall not be in order to move to take the papers from the files for the purpose of referring them at a subsequent session, unless the claimant shall present a memorial for that purpose, stating in what respect the committee have erred in their report, or that new evidence has been discovered since the report, and setting forth the new evidence in the memorial."

To bring this case within the rule, a report is now made upon it, which the committee ask the Senate to adopt.

The petitioner resided in Douglas County, Minnesota, with her husband, Andreas Darling, in August, 1862, on a farm owned by the husband. She claims that, owing to the Sioux Indian massacre in that month, the crops of grain and vegetables growing on about forty acres of the farm, and worth \$1,974, were destroyed and lost, and claims compensation for them; her husband having, in the fall of 1862, removed to Missouri, where he was killed by bushwhackers in 1864.

Under act of 16th of February, 1863, (12 Stat. at Large, 652,) commissioners were appointed to ascertain the amount of damages suffered by these depredations, and the persons who have suffered the same, two hundred thousand dollars being set apart from the annuities due the Indians named in the act to pay the sums awarded.

By act of 28th May, 1864, (13 Stat., pp. 92, 93,) an appropriation was made to pay the persons named in the report of the commissioners, and by letter of the Secretary of the Interior, dated 10th January, 1873, it

is stated that "the name of Antoinette Darling does not appear among those whose claims were examined and reported upon by the commissioners."

If the claim was a proper one it ought to have been presented to the commissioners thus specially provided to examine it; and, as it was not so presented, it ought not to be paid by a general appropriation out of the Treasury.

The committee therefore report that the claim ought not to be allowed.

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