

12-17-1873

## Report : Petition of F. Darling

Follow this and additional works at: <https://digitalcommons.law.ou.edu/indianserialset>



Part of the [Indian and Aboriginal Law Commons](#)

---

### Recommended Citation

S. Rep. No. 5, 43d Cong., 1st Sess. (1873)

This Senate Report is brought to you for free and open access by University of Oklahoma College of Law Digital Commons. It has been accepted for inclusion in American Indian and Alaskan Native Documents in the Congressional Serial Set: 1817-1899 by an authorized administrator of University of Oklahoma College of Law Digital Commons. For more information, please contact [darinfox@ou.edu](mailto:darinfox@ou.edu).

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 Frank C. Darling, praying compensation for property destroyed in Minnesota by Indians in 1862, have had the same under consideration, and report :*

That for reasons stated in the accompanying letter of the Secretary of the Interior, dated 4th February, 1873, the claim ought not to be allowed.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
Washington, D. C., February 4, 1873.

SIR: I have the honor to acknowledge the receipt of your letter, dated the 1st instant, inclosing a claim of Frank C. Darling for compensation for property abandoned and lost by him on account of the outbreak in 1862 of the Sioux Indians in Minnesota. You ask, for the Senate Committee on Claims, for any information in the possession of this office respecting the case, and for its views as to whether or not the claim ought to be allowed.

In reply, I beg leave to say that it does not appear that the claim was ever before presented to this office for examination. It belongs to a class of claims for the adjustment of which Congress made provision by the act entitled "An act for the relief of persons for damages sustained by depredations and injuries by certain bands of Sioux Indians," approved February 16, 1863, (U. S. Stats. at Large, vol. 12, page 652.) The claimant alludes to the commission appointed under that act to examine and report the claims arising under it, and states, as a reason why his claim was not presented to the commission, that being in the military service, he had not an opportunity to present it, a statement unsupported by anything contained in the testimony adduced in his behalf. The commission was limited as to time in the reception of claims to the 1st of September, 1863. The claimant says he enlisted in October, 1862, and was discharged November 3, 1863, but it is suggested, admitting that he had no opportunity to lay his case before the commission within the prescribed time, that after his discharge he might have had it prepared and submitted to the Secretary of the Interior before that officer reported the result of the investigation of the commission to Congress, and not have allowed nearly five years to elapse before taking any step in the matter. However, waiving this point, in the opinion of this office the claim is not satisfactorily established, the testimony adduced not clearly and positively showing that the affiants personally knew of claimant's having the property described as having been abandoned and lost, that it was of the value stated, and that it was actually lost to the claimant solely by reason of the outbreak of the Indians.

This office would not recommend the allowance of the claim as presented. The papers inclosed in your letter are herewith returned.

Very respectfully, your obedient servant,

H. R. CLUM,  
Acting Commissioner.

Hon. H. G. DAVIS,  
United States Senate.