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Report : Claim of E. Baldwin

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IN THE SENATE OF THE UNITED STATES.

MAY 31, 1882.—Ordered to be printed.

Mr. CAMERON, of Wisconsin, from the Committee on Claims, submitted the following

REPORT:

[To accompany bill S. 1462.]

The Committee on Claims, to whom was referred the bill S. (1462) for the relief of E. J. Baldwin, report thereon as follows :

The bill provides for the appropriation of \$11,094.86 in payment for making tunnels on the Colorado Indian Reservation, in Arizona.

Your committee referred the bill to the Commissioner of Indian Affairs for information, and received the following letter from him :

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, April 26, 1882.

SIR: I have the honor to be in receipt of your letter of 24th instant, inclosing Senate bill (No. 1462) for the relief of E. J. Baldwin, alleged assignee of Patrick Harrington and John H. Jilbert, who, under the firm name of Harrington & Jilbert, make claim against this department for certain work done in connection with an irrigating ditch on the Colorado River Reservation in Arizona, while under the administration of J. A. Tonner, United States Indian agent in 1873, and calling for information relative thereto.

I have to report that on the 28th day of August, 1873, articles of agreement were entered into between said agent and firm, for the latter to run tunnels through the spurs or points of a mesa on said reservation so as to connect with an irrigating canal to be used for agricultural purposes; that they, the contractors, were to receive for each linear foot at the rate of \$6 in United States gold coin, except on hard cement or blasting rock, for which they were to receive \$6.50; and that payment was to be made therefor when funds should be appropriated by Congress for the purpose.

Agent Tonner certifies that under said agreement said firm constructed 1,760.81 feet of tunneling, which, at the prices named, would entitle them to \$10,894.86. Upon presentation to this office of said articles of agreement, and the account for said work for approval and settlement under the provisions above mentioned, my predecessor, Hon. E. A. Hayt, disapproved the same on the ground that the articles of agreement had not been previously submitted for and received the approval of the Hon. Secretary of the Interior, although Messrs. Harrington & Jilbert had prosecuted other work of a similar character before, and had been paid by the agent therefor sums aggregating several thousand dollars, from funds placed to his credit for the purpose by this office.

I believe that the work in question was performed according to terms of the contract, and that the claimants are entitled to payment therefor. Concerning any right of ownership of Mr. E. J. Baldwin, in this claim as assignee, the only knowledge in possession of this office is that a copy of a decree in his favor, made by the United States circuit court of California, was exhibited, but is not on file.

Very respectfully,

H. PRICE,
Commissioner.

HON. ANGUS CAMERON,
United States Senate.

Your committee are satisfied that E. J. Baldwin, named in the bill, is the lawful owner of said claim under and pursuant to a decree of the United States court for the district of California, made in 1879.

It appears by the said letter of the Commissioner of Indian Affairs that the amount unpaid on the claim is \$10,894.86, and not \$11,094.86, as stated in the said bill.

We recommend that the bill be amended by inserting the sum of \$10,894.86 in place of \$11,094.86. Also amend by striking the letter "G" out of the name "Gilbert," and inserting "J," his name being "Jilbert" and not "Gilbert"; and, when so amended, that the bill do pass.