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Report : Petition of J. Little and H. Williams

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IN THE SENATE OF THE UNITED STATES.

FEBRUARY 8, 1883.—Ordered to be printed.

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

REPORT:

[To accompany bill S. 1327.]

The Committee on Indian Affairs, to whom was referred the bill (S. 1327) for the relief of John Little and Hobart Williams, have had the same under consideration, and respectfully report :

The bill sets forth that on January 22, 1870, the United States, by its superintendent of Indian affairs, Samuel M. Janney, for the northern superintendency, and Thomas Lightfoot, agent for the Iowa tribe of Indians, and the Iowa tribe of Indians, by its delegates, leased to Ephraim D. Pratt, Lorenzo B. Williams, and John McCague, of Omaha, Nebr., for the term of twenty-five years, all of the lands of the Iowa tribe of Indians in the States of Kansas and Nebraska, for the purpose of prospecting for and mining coal and coal minerals, including fire-clay; that the Omaha Coal and Mining Company, a corporation existing under the laws of the State of Nebraska, became the owner of the aforesaid lease; that by subsequent assignments of said lease from the Omaha Coal and Mining Company to Jonas Gise, and from Jonas Gise to John Little and Hobart Williams, the said John Little and Hobart Williams, on November 10, 1875, acquired an interest in said lease; that the said John Little and Hobart Williams, before acquiring an interest in said lease, were assured by Barclay White, superintendent of Indian affairs for the State of Nebraska, that the right to prospect for and mine coal and clay on said tract of land under said lease had been sanctioned and allowed by the Government of the United States; that by virtue of said lease, and the assignments thereof, and the assurance given by the superintendent of Indian affairs for Nebraska, the said John Little and Hobart Williams entered upon said land and began prospecting for and mining coal and clay, and while so engaged they were, by order of the United States Government, enjoined from prosecuting said work; and that the said John Little and Hobart Williams invested and expended the sum of \$20,000 in acquiring an interest in said lease, and in opening and operating the mines, which sum, nor any part thereof, have they ever recovered, and were prevented from recovering or from realizing a profit on the same by the said action of the United States Government.

The Secretary of the Treasury is authorized and required by the bill to pay to the said John Little and Hobart Williams the sum of \$20,000, the amount of money by them expended in purchasing said lease, and in prospecting for and mining coal, coal mineral, and fire-clay, as aforesaid.

There is not sufficient evidence before the committee to establish the fact that John Little and Hobart Williams are the sole assignees of the lease taken by Pratt, Williams, and McCague, nor that they actually expended the sum of \$20,000 and never realized any part of it; yet as the agents of the government represented that the lease was valid, the parties injured are entitled to compensation for what was actually expended and lost through the action of the department; and the committee therefore report back the bill, and recommend the passage of the following substitute therefor :

A BILL for the relief of the assignees of the Omaha Coal and Mining Company.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and is hereby, authorized and required to adjust and settle the claim of the legal owners of said lease, and when adjusted to pay, out of any money in the Treasury not otherwise appropriated, the amount actually expended by them in purchasing said lease, and in prospecting for and mining coal, coal mineral, and fire-clay, as aforesaid, and on which they were prevented from realizing a profit, or from recovering, by the said action of the Government of the United States: Provided, That said amount shall not exceed the sum of twenty thousand dollars.

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