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James Brice.

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JAMES BRICE.

MAY 1, 1886.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. W. WARNER, from the Committee on Claims, submitted the following

REPORT:

[To accompany bill H. R. 8337.]

The Committee on Claims, to whom was referred the bill (H. R. 1365) for the relief of James Brice, having considered the same, submit the following report:

The claimant, James Brice, of Jackson County, Missouri, in the year 1868 was a contractor on the plains. The Arapaho Indians in that year committed depredations upon his stock and other property, taking from him 45 head of mules, claimed by him to be worth \$11,250, at the same time taking, as he claims, other property, and damaging him to the amount of several thousand dollars.

He filed his claim with the Secretary of the Interior; that the Secretary awarded him \$9,000, which award was adopted by the accounting officer and passed to settlement No. 1313, dated July 22, 1870. The said sum was paid to the claimant through his attorney, Charles Ewing.

Mr. Brice claims that said amount was received by him with the express understanding that it was not in full payment of his claim. Mr. Brice is a business man of high standing.

The Second Auditor, in letter to Hon. Nicholas Ford, dated March 28, 1882, says:

In answer, you are respectfully informed that the files of this office show that the Secretary of the Interior, in the claim of Mr. Brice, awarded the sum of \$9,000, which award was adopted by the accounting officers and passed to settlement No. 1313, dated July 22, 1870, and by it that award was made payable to the claimant, care of Charles Ewing. Mr. Ewing did not receipt for any sum, so far as the files show. The inference is that the Secretary of the Interior intended the award to be in full for the claim, though the proof of such intent was not sent to this office.

Very respectfully,

O. FERRISS,
Auditor.

The claimant, on the other hand, says:

The \$9,000 was paid to him with the understanding the balance would be paid him soon; that Charles Ewing, claimant's attorney, stated to him that the \$9,000 was only paid as a part payment, &c.

The committee is of opinion that this is a proper case to be sent to the court for ascertainment of fact, and report their findings thereon to Congress.

The committee therefore return substitute for bill (H. R. 1365) and recommend its passage, and recommend that the original bill (H. R. 1365) do lie upon the table.