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[S. W. Marston.]

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S. Rep. No. 169, 53d Cong., 2nd Sess. (1894)

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## IN THE SENATE OF THE UNITED STATES.

JANUARY 18, 1894.—Ordered to be printed.

Mr. JONES, of Arkansas, from the Committee on Indian Affairs, submitted the following

## REPORT:

[To accompany S. 198.]

The Committee on Indian Affairs, to which was referred the bill (S. 198) to authorize the Secretary of the Interior to settle the claims of the legal representatives of S. W. Marston, late United States Indian agent at Union Agency, Ind. T., for services and expenses, submit the following report:

This bill passed the Senate during the Fifty-second Congress, Mr. Dawes, chairman of the committee at that time, having reported it favorably in the following language:

In the Forty-seventh Congress Senate bill 1035, precisely similar to this bill, was passed by the Senate and failed in the House.

In the Forty-eighth Congress another bill (S. 1035), precisely similar to the present bill and the bill (S. 1035) of the Forty-seventh Congress, was again passed by the Senate and was favorably reported in the House (see H. R. Report No. 2647, Forty-eighth Congress, second session), but failed of final action.

In the Forty-ninth Congress Senate bill 220, precisely similar to this and said other bills, was presented and favorably reported in the Senate (Senate Report No. 106, Forty-ninth Congress, first session) and passed by the Senate and favorably reported in the House (House Report 3897, Forty-ninth Congress, second session) and failed of final action. Since the making of those reports the Rev. Dr. S. W. Marston has died, and this present bill is for the relief of his legal representatives.

A precisely similar bill was favorably reported in the Fiftieth Congress by Senate Report 352 and passed by the Senate and favorably reported in the House, but was not finally considered.

In the Fifty-first Congress a precisely similar bill (S. 432) was favorably reported by Senate Report No. 32 and passed by the Senate, but no final action in House.

This bill authorizes the Secretary of the Treasury to cause to be examined and audited the claims of the legal representatives of S. W. Marston, late U. S. Indian agent at Union Agency, Ind. T., for services rendered and expenses incurred by him in July, August, September, and October, 1878, not to exceed \$448.10, appropriated therein.

The claimant, now deceased, was Indian agent for the Union Agency, Ind. T., during the fiscal years ending June 30, 1877 and 1878. On the 30th day of June, 1878, said Union Agency was abolished, thereby vacating the office of Indian agent at that agency. The Commissioner of Indian Affairs instructed the claimant to remain at said agency for the purpose of closing up the business of said agency. In obeying the instructions of the Commissioner of Indian Affairs he incurred expenses and spent nearly four months' time, and for which he asks to be paid, in all a sum not exceeding \$448.10, if that amount is found to be due him upon an examination and adjustment of his account by the Secretary of the Interior.

Your committee, believing the bill and its provisions to be just and fair, report the same back to the Senate and recommend its passage.

The following correspondence, had during this Congress, shows that the bill meets the approval of the present Commissioner of Indian Affairs:

DEPARTMENT OF THE INTERIOR,  
*Washington, September 21, 1893.*

SIR: I have the honor to acknowledge the receipt of your communication of 7th instant, inclosing for opinion, etc., S. 198, "To authorize the Secretary of the Interior to settle the claims of the legal representatives of S. W. Marston, late U. S. Indian agent at Union Agency, Ind. T., for services and expenses."

In reply thereto I have the honor to transmit herewith copy of a communication of the 20th instant from the Commissioner of Indian Affairs on the subject to whom the matter was referred.

The views of the Commissioner are concurred in by this Department.

Very respectfully,

WM. H. SIMS,  
*Acting Secretary.*

The CHAIRMAN COMMITTEE ON INDIAN AFFAIRS,  
*United States Senate.*

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DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
*Washington, September 20, 1893.*

SIR: I am in receipt by your reference of the 8th instant, for report, of a communication addressed to you by Hon. Jas. K. Jones, chairman Senate Committee on Indian Affairs, in which he submits, for the opinion of the Department, Senate bill No. 198, "to authorize the Secretary of the Interior to settle the claims of the legal representatives of S. W. Marston, late U. S. Indian agent at Union Agency, Ind. T., for services rendered and expenses."

The bill enacts "that the Secretary of the Interior is hereby authorized and directed to cause to be examined and audited the claims of the legal representatives of S. W. Marston, late U. S. Indian agent at Union Agency, Ind. T., for services rendered and expenses incurred by him in the months of July, August, September, and October, 1878, which claims were transmitted to the office of Indian Affairs about November in said year, and to pay to his legal representatives whatever sum of money may be found to be justly due to him for such services and expenses, not exceeding in amount the sum of \$448.10, and a sufficient sum of money to pay the amounts so found due is hereby appropriated."

In reply I have the honor to state that by the Indian act, approved May 27, 1878, the Union Agency in the Indian Territory was abolished, and the duties devolving upon said agency were transferred to the office of the Commissioner of Indian Affairs.

At the date of the passage of said act, late agent S. W. Marston was in charge, and the records of this office show that he remained in charge of the agency, several months after June 30, 1878, settling up the agency business, under direction of this office, and that he necessarily incurred expenses on account of traveling, and services rendered as acting agent.

On the 20th day of November 1878, he filed in this office a claim for services and expenses, aggregating the sum of \$448.10, but no action was taken thereon for want of funds applicable to the payment thereof.

The claims filed appear to be just and equitable, and I respectfully recommend that the bill be returned to the Senate Committee with the approval of the Department.

I return herewith the letter of Senator Jones and inclosure.

Very respectfully, your obedient servant,

D. M. BROWNING,  
*Commissioner.*

The SECRETARY OF THE INTERIOR.

Your committee, believing the provisions of the bill to be just and fair, report the same back to the Senate and recommend its passage.