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Recommended Citation

H.R. Rep. No. 402, 54th Cong., 1st Sess. (1896)

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GEORGE T. SIMPSON AND LOUIS SHAW.

FEBRUARY 17, 1896.—Committed to the Committee of the Whole House and ordered to be printed.

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

REPORT:

[To accompany H. R. 5259.]

The Committee on Indian Affairs, to whom was referred House bill 5259, have had the same under consideration and beg leave to report:

On May 17, 1892, the persons named in the bill entered into a contract with the Government to survey a tract of land in Minnesota known as the Grand Portage Indian Reservation. As compensation for their services in making such survey said parties were to receive \$9 per mile for base, standard, meridian, and meander lines, \$7 for township lines, and \$5 for section lines, "except when the lines of survey pass over mountainous lands or lands heavily timbered or covered with dense undergrowth," and in such case additional compensation was provided for.

These contractors entered upon the work in June, 1892. Owing to the almost unprecedented plague of flies and insects in the brush and woods on the north shore of Lake Superior that summer, all explorers and surveyors, and all the Indians were temporarily driven out of these parts. Indians employed by the contractors refused to enter the interior of the reservation, and the contractors were compelled to temporarily abandon the work. In October of that year they returned to complete the survey, but on account of the topographical situation of the reservation, and other unforeseen difficulties arising from the use of the solar compass, as provided in the contract, they were again compelled temporarily to abandon the work, after having expended in actual cash the sum of \$1,400.

The character of the work, the difficulties encountered, and the largely increased expense of making the survey was then reported to the surveyor-general. After fully investigating and verifying this report, the surveyor-general submitted the same to the Commissioner of the General Land Office, with a recommendation for additional compensation for the contractors. This recommendation was approved by the Commissioner of the General Land Office, the Commissioner of Indian Affairs, and the Secretary of the Interior. Thereafter the contractors were duly notified of the action of the Interior Department, as appears from the following letter:

DEPARTMENT OF THE INTERIOR,
Washington, D. C., May 18, 1893.

SIR: I acknowledge the receipt of your communication of the 18th ultimo, relative to surveys within the Grand Portage Indian Reservation, in Minnesota, and the necessity for increased compensation for the execution of the work.

In response thereto I transmit herewith a copy of a communication of the 8th instant from the Commissioner of Indian Affairs, in which he recommends, in view of the statement made, that the increased compensation estimated for by the surveyor-general be allowed.

Concurring in the recommendation of the Commissioner, authority is hereby granted for additional cost of field work of said surveys, \$400; cost of preparation of field notes and plats of the same, \$225; and for examination of this work in the field after completion, \$250, a total of \$875; payment from appropriation for completion of necessary surveys within the Indian reservations in Minnesota.

Very respectfully,

WM. H. SIMS, *Acting Secretary.*

The COMMISSIONER OF THE GENERAL LAND OFFICE.

Relying upon these recommendations, which were communicated to the contractors by the surveyor-general, the contractors resumed their work and spent the whole of the summer and autumn of 1893 in completing the survey. The survey was finished within the time set in the original contract and was duly approved. The additional compensation was allowed by the surveyor-general, and was approved by the Interior Department and by the Second Auditor of the Treasury Department. The account then passed to the Second Comptroller, who disallowed all above the sum of \$1,506.67, on the ground, as stated by him, that "the principle is well established that the power vested in the heads of Departments to make contracts does not imply power to alter such contracts when made and thereby increase the liability of the Government." Subsequently in a letter concerning this matter the Second Comptroller says:

In considering this case this office did *not* undertake to say *nor* is its action understood as deciding that the services rendered were not reasonably worth all that has been claimed. The question as to what was the reasonable value of the services rendered has not been considered by me. If these persons have rendered services to the Government, the reasonable value of which is greater than the sum for which they contracted to render the same, the case seems to be one which appeals solely to the legislative discretion for relief. The remedy does not appear to lie with the accounting officers.

From the itemized and duly verified statements of the amounts actually paid out by these contractors in doing this work, in accordance with the contract, it appears that they expended:

For transportation of employees.....	\$336. 05
Amount paid employees.....	1, 892. 50
Supplies.....	264. 79
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Total expenses.....	2, 493. 34
Of this amount they received from the Government.....	1, 506. 67
<hr/>	
Balance.....	986. 67

This balance is \$86.67 more than the amount asked for in this bill. Your committee have carefully examined all the evidence submitted as to the character of the work and the manner of its performance and feels satisfied that it was performed as expeditiously and with as little expense as possible, and as the bill covers only actual expenses, and nothing for services, your committee recommend the passage of the bill.