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### Report : Mr. Cole

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S. Rep. No. 171, 40th Cong., 2nd Sess. (1868)

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IN THE SENATE OF THE UNITED STATES.

JULY 17, 1868.—Ordered to be printed.

Mr. COLE made the following

REPORT.

[To accompany bill S. No. 626.]

*The Committee on Claims, to whom was referred the petition of Margaret Doyle, praying compensation for cutting a quantity of timber in Nevada, under a contract with the Indian Department, report :*

That on the 28th day of November, 1863, James W. Nye, then governor of the Territory of Nevada, and ex-officio superintendent of Indian Affairs, acting under authority from the Secretary of the Interior, entered into a contract with Shimmons and McPherson, by which the latter were to cut, bank, and run to a mill to be erected, 1,500,000 feet of logs, with privilege to them to double the amount. They were to be paid for the logs when delivered at the mill at the rate of \$12 per 1,000 feet, in coin.

The contractors placed upon the banks of the Truckee river, about 30 miles above where the mill was to have been erected, enough logs to make 1,500,000 feet of lumber, but none were floated or otherwise delivered. They were paid \$9,000 in gold, or its equivalent, \$14,387 04 in Treasury notes, in part compensation for so much of their contract. Governor Nye states that one-fourth of the price should be deducted for non-delivery at the mill, which would leave due on this lot of logs \$4,500.

But in addition to this 1,500,000 of logs, the contractors cut under the same contract sufficient logs to make 850,000 feet of lumber, which was not banked, but left in the woods, and it would seem they ought to be paid for this work.

The committee have no means of getting at any definite rule by which to measure these damages, but believe that \$4 50 per 1,000 feet, or a little more than one-third the rate to have been paid if delivered, would be about right. At that rate there would be due to the contractors or their representative, Mrs. Margaret Doyle, who has a full power of attorney to represent and act for them in this behalf, the sum of \$3,825 on this part of the contract, and upon the whole contract the sum of \$8,325.

Your committee have agreed to recommend the passage of the bill herewith reported, which proposes to refer the matter to the Secretary of the Interior, giving him authority to award to the assignee such sum, not exceeding \$8,325 in coin, as may seem to him just.