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W. B. Hugus et al

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W. B. HUGUS ET AL.

MAY 21, 1880.—Committed to the Committee of the Whole House and ordered to be printed.

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

REPORT:

[To accompany bill H. R. 1316.]

The Committee on Indian Affairs, to whom was referred bill H. R. 1316, beg leave to report:

In this case it appears that at three various periods in the year 1873, W. H. Brown, captain Fifth Cavalry, United States Army, acting Indian agent at San Carlos Indian Reservation in Arizona, certified to the United States Indian Department that he had purchased from W. B. Hugus Indian supplies amounting, respectively, to \$5,330, \$3,250, and \$2,348.70, in all \$10,928.70; that the bills for the same were correct and just; that the articles therein named were purchased by him as Indian supplies, in accordance with instructions from the department of Indian affairs for Arizona; and that the said supplies were by him duly taken up on his return for the third quarter of 1873, and not paid for, for want of funds.

No contracts had been made for these supplies; and no record has been furnished of the orders under which Captain Brown says he bought these goods; and as Captain Brown died in 1875, it is not possible to obtain any evidence from him as to who issued these orders, or whether they were sent by telegraph or otherwise.

The claims of Hugus & Co. were taken up in 1877, and approved by Indian Commissioner Smith; but this approval seems never to have been forwarded to the Second Auditor until 1879, when Commissioner Hayt transmitted it, together with a decision by him disapproving the claims as having been contracted without authority. The Indian Department is therefore on record both *for* and *against* this claim; and as the adverse decision was the last, it would seem of sufficient force to create some doubt as to the correctness of the claim as it stands.

There can be no doubt in our judgment that these supplies were bought and delivered; and that, if there was any governmental authority for buying them, whatever is due for them should be paid. We therefore propose an amendment, authorizing the proper accounting officers to allow what is equitably due, if they shall find that the purchases were made upon the authority of the Interior Department.