

SUPERINTENDENT OF INDIAN AFFAIRS FOR COLORADO.

MARCH 2, 1867.—Laid on the table and ordered to be printed.

Mr. HART, from the Committee on Indian Affairs, submitted the following evidence:

WASHINGTON, D. C., February 19, 1867.

CHARLES A. MIX, sworn and examined.

By the CHAIRMAN:

Q. What is the paper here presented?

A. This paper purports to be an abstract of the expenses of A. Cumming, for the quarter ending September 30.

Q. I want to call your attention to voucher No. 25, in that list, purporting to be the payment of \$450 to M. B. Cumming, for services as clerk. Do you know who M. B. Cumming is?

A. I do not. I know no further than what the paper says.

Q. Do you know that handwriting?

A. It is the first time I have observed it.

Q. Then you don't know whose handwriting it is?

A. I know nothing more of the voucher than what it purports to be.

(Mr. Bradford, delegate from the Territory of Colorado, was permitted to examine the witnesses.)

By Mr. BRADFORD:

Q. I call your attention to voucher No. 1. Do you know anything about that transaction?

A. It purports to be a voucher for payment to E. H. Kellogg, on August 17, 1866, for 100 sacks of flour, at twelve dollars per sack.

Q. Look at voucher No. 2.

A. It purports to be for thirty-four head of large American beef cattle sold to the superintendent of Indian affairs and delivered to him for treaty purposes at Middle Park, at eighty dollars per head; carried out \$2,720.

Q. The next voucher I wish to call your attention to is No. 19.

A. No. 19 is an account against the United States, of Manuel Lusero, of having sold, on the 2d of September, 1866, thirty-seven head of beef cattle, at \$55 per head, furnished the Colorado superintendent of Indian affairs, amount, \$2,035.

Q. Look at the next, No. 20.

A. Voucher No. 20 is that of M. V. Stevens for 100 head of sheep, at \$3 50 per head, furnished Colorado superintendent of Indian affairs, \$350; and eleven head of large American beef cattle, at \$70 a head, furnished Colorado superintendent of Indian affairs, \$770—total, \$1,120.

Q. Look at No. 31. I would like to call your attention to it.

A. Voucher No. 31 is a voucher from G. A. McClure for rent of office from July 1, 1866, to September 1, 1866, occupied by superintendent of Indian affairs for three months, \$150.

Q. Look at voucher 28. What is it?

A. Voucher No. 28 is for the care of two horses and buggy belonging to Colorado superintendent of Indian affairs, at \$100 per month, from July 31 to September 31, inclusive, \$300.

Q. What is voucher No. 37?

A. Voucher 37 is from L. Mulling, September 3, 1866, for freight of 9,700 pounds of goods for the Tabeguache Ute Indians, from Denver to camp on the Rio Grande river, 250 miles—across the snowy range—at 12 cents per pound, \$1,764. Four wagon sheets taken by Indians and not returned, \$12 24.

(Witness took up another sheet of paper.)

By the CHAIRMAN:

Q. What is that paper you now have in your hand?

A. This paper purports to be an abstract of the disbursements of A. Cumming, superintendent of Indian affairs, for the quarter ending June 30, 1866, for current expenses.

By Mr. BRADFORD :

Q. What is voucher No. 1 for ?

A. It purports to be an account of A. C. Hunt for one American stallion, \$285, furnished the Colorado superintendent of Indian affairs. The explanation at the bottom of the voucher by the superintendent is, "for the use of the Indians under treaty stipulations."

Q. Look at voucher No. 4.

A. Voucher No. 4 is from G. W. McClure for rent of office, and occupied by Colorado superintendent of Indian affairs, to June 30, 1865, at \$70 per month, \$350.

Q. Look at voucher No. 7.

A. Voucher No. 7 is from Frank Fay for the care of and keeping one American stallion bought for the Coney Indians, \$70. Mr. Cumming writes, March 27, 1866: It is not practicable for me to furnish special vouchers for my expenses, as when I came out here I brought my family with me, and the amount is not estimated for individuals. The amount is about \$250.

Q. That is his expense going out there ?

A. I presume so.

By Mr. Ross :

Q. Has any of this account been settled ?

A. My impression is, his account up the 30th June has gone up to the Auditor's office. I will not speak positive about it.

By Mr. BRADFORD :

Q. Look at No. 9, and tell what it is.

A. It is from M. B. Cumming, for services as clerk of Colorado superintendency of Indian affairs for six months, at \$150 per month, \$900.

Q. Read the receipt.

A. Received, at Denver, June 30, 1866, of A. Cumming, governor and *ex officio* superintendent of Indian affairs, \$900, in full payment of the above account.

M. B. CUMMING.

I certify, on honor, that the above account is correct and just, and I have actually, this 30th day of June, 1866, paid the amount thereof.

A. CUMMING.

(Witness took up another paper.)

By the CHAIRMAN :

Q. What does that paper purport to be ?

A. This paper is entitled "Disbursements of Alexander Cumming, governor and *ex officio* superintendent, for the quarter ending December 31, 1866."

By Mr. BRADFORD :

Q. Look at voucher No. 4 therein.

A. It is from A. Waulich, for the freight of 19,600 pounds of goods for the Grand River and Uintah Indians, from Denver to Middle Park, at 12 cents per pound, 150 to 160 miles, across the Snowy range of the Rocky mountains, \$2,352.

Q. Look at No. 5.

A. No. 5 is from A. C. Hunt, October 1, 1866, "for services rendered as commissioner to assist in the business of the treaty with Grand River and Uintah Indians, under appointment of the Colorado superintendent of Indian affairs, and by authority of a letter from Mr. Cooley, from June 1 to August 1, 1866, 30 days, at \$5 per day, \$150; tax deducted, \$5 12; leaving \$144 88. Expenses of horse ridden to the treaty ground, while there, and return to Denver, 20 days, at \$5 per day, \$100. I certify that the above account, as exhibited by me, barely covered my actual expenses. It is not sufficient compensation for loss of time and leaving my business while engaged in the Indian service."

Q. Look at voucher No. 21.

A. "The United States to Lewis Thomson, Dr., for rent of office occupied by Colorado superintendent of Indian affairs, for two months, from November 1 to December 31, at \$50 per month, \$100."

Q. What is voucher No. 22 ?

A. "United States to M. B. Cumming, for services as clerk for three months, at \$150 per month, \$450; tax off, \$15."

Q. Look at voucher No. 23, and state what it is for ?

A. Voucher No. 23 is from J. Wilson, for services as messenger in the office of the superintendent of Indian affairs, Colorado, for making fires, &c., for six months, at \$41 50 per month, \$249. Dated July 31, 1866.

Q. Look at voucher 27.

A. Mr. A. Boyd Cumming's services as secretary to commissioners at treaty in Middle Park with the Grand River and Uintah Indians, twenty-seven days, at \$5 per day, \$135. Use of the horse, *en route* for same duty and in returning, same period, twenty-seven days, at \$5 per day, \$135. Expenses \$70 returning. Aggregate, \$340.

Q. Do the records of your office show when M. B. Cumming was appointed clerk of the superintendency?

A. I cannot say at what date the appointment was confirmed, but the employment commenced on January 1, 1866.

Q. Was the appointment approved by the department?

A. Yes.

Q. Does it show whether the person was a man or a woman?

A. No; it just gives the name, M. B. Cumming.

E. M. ASHLEY sworn and examined.

By the CHAIRMAN:

Q. I hand you voucher No. 22, signed by M. B. Cumming; state if you know the handwriting?

A. The body of the voucher is written by Mr. Thomson, I think. I don't know the writing in the receipt.

By Mr. BRADFORD:

Q. Where were you for the last year?

A. In Denver City.

Q. Did Governor Cumming keep his office there?

A. Part of the year.

Q. State what part of the year.

A. I don't remember the time. He moved to Golden City some time during the year 1866.

Q. What business were you in there?

A. I was chief clerk in the surveyor general's office.

Q. Do you know of any such person as M. B. Cumming being employed as clerk to the superintendent?

A. I do not.

Q. Do you know who this person is?

A. I know one Miss Mary B. Cumming, the daughter of Governor Alexander Cumming.

Q. How long did she reside in Colorado, or when was she last there?

A. It is my opinion she left there May 2, 1866, but I am certain it was during May.

Q. Has she been there since she left at that time?

A. No.

Q. During the time she resided there are you aware that she performed any service in that office?

A. I am not.

By Mr. ROSS:

Q. Was the office separate from the house or connected with it?

A. It was separate from it.

Q. Where is McClure's building?

A. It is on Laramie street between F and G, on what is called McClure's block.

By the CHAIRMAN:

Q. Did you ever hear of any other M. B. Cumming except Miss Mary B. Cumming, the governor's daughter?

A. No.

By Mr. ROSS:

Q. What is the customary salary of a good clerk per month?

A. A first-class clerk gets \$150 per month. Clerks generally get from \$100 to \$150 per month.

By Mr. HART:

Q. How large a place is it?

A. It contains about five thousand people.

Q. Are you well acquainted there?

A. I am acquainted there tolerably well; I have lived there five years.

By the CHAIRMAN:

Q. I wish to call your attention to voucher No. 9. Is that in the same handwriting as the others, in your judgment?

A. Yes; the body of it is.

Q. The signature of the receipt seems to be by the same person?

A. Yes; but not the certificate.

Q. This is dated at Denver, June 30. Was this young lady there at the time?

A. No.

Q. Is the body of voucher No. 25 in the same handwriting as the body of the last?

A. It is.

Q. Is the signature to the receipt in the same handwriting as the signature to the last receipt?

A. Yes.

Q. Was Mary B. Cumming there at that time?

A. She was not there then.

By Mr. BRADFORD:

Q. Do you know the handwriting in voucher No. 4?

A. The body of the voucher is in Major Thompson's handwriting; the same of the body of those others.

Q. Do you know the signature, John Wanlich?

A. I do not know his signature; I know himself well enough.

Q. What is the actual distance from Denver to Middle Park for freight purposes?

A. About from seventy-five to eighty miles—not over eighty miles.

By the CHAIRMAN:

Q. The voucher states it to be from one hundred and fifty to one hundred and sixty miles: how are the roads between these points, good or bad?

A. In parts of the range they are quite bad—half the distance very bad roads at the time the voucher was given.

Q. Was it so bad that a reasonable load could not be hauled over it?

A. I was not over it since 1862.

Q. You don't know how it is since?

A. No.

Q. What distance was very bad?

A. About fifteen miles.

Q. How was the balance of the road?

A. Very good.

Q. What would be a fair price for transportation per one hundred pounds at the time the voucher was given over the road?

A. I should think five or six cents a pound would be a fair price.

Q. You mean as the roads were when you were over them?

A. I presume goods would be taken over it for that price.

Q. That is, they could have been at the time you were there?

A. Yes.

Q. In voucher No. 27, who wrote the body of it?

A. The same person that wrote the rest, Mr. Thompson.

Q. It purports to be for A. Boyd Cumming; who is he?

A. A boy about fourteen or fifteen years old. I have seen him frequently; he is a brother of this young lady.

Q. Do you know whether he performed any services as secretary to that council?

A. No.

Q. Do you know the handwriting in No. 21?

A. I cannot say whose it is. I do not know the signature. I have never seen Thompson's signature but once or twice.

Q. You think the body is in the same handwriting as the others?

A. I think it is, but it has been written with a very bad pen.

Q. Do you think the signature is in the same handwriting?

A. I could not say anything really about that voucher.

By Mr. Ross:

Q. Who is Major Thompson?

A. He is clerk to Governor Cumming, and does all the writing in the office.

JOHN EVANS sworn and examined.

By the CHAIRMAN:

Q. Can you tell the distance from Denver to Middle Park, to Hot Sulphur Springs?

A. It is generally understood to be about seventy-five or eighty miles.

Q. What is the character of the road?

A. The road to Empire City and for six or eight miles above that is understood to be a very good road. I have travelled over it a number of times, and from there over the range, which is said to be pretty rough, though recently there has been a good road built. I think in the spring of 1866 it was announced in the newspapers that Mr. Jones had built a good wagon road across the range.

Q. Was it in December, 1866, that announcement was made?

A. I cannot exactly say. I only saw it announced in the papers.

Q. When was that announced?

A. In the spring or summer of 1866, I think.

Q. What would you consider a fair price for hauling freight over that road, per 100 pounds?

A. I am not conversant with the prices; they vary very much, as sometimes you can get it a great deal cheaper than at other times, owing to the price of subsistence and the number of teams.

Q. What would be the variation between the prices?

A. From any given price to double the price.

Q. What price would you think a fair one for goods over that road?

A. If the road was good for that distance, the price ought to be about four or five cents a pound. I do not pretend to say, exactly, because I have not been down there this spring.

By Mr. Ross:

Q. If the road was bad what would be a fair price?

A. If the road was passable for wagons, and they were hauled by wagons, I think the price stated by Mr. Ashley, in his evidence, a reasonable price. August is the best season to transport goods across the range. I think Mr. Ashley's estimate a fair one, and as high as we ought to pay.

By the CHAIRMAN:

Q. If the roads are completed and good, as stated, would not that be a high price?

A. I should think it to be a fair price.

By Mr. Ross:

Q. Was it customary for the superintendent of that region to have an allowance for office rent and clerk-hire; and if so, at what rate?

A. The clerk-hire is regulated by the department here. They authorize the amount of clerk-hire you are to have, or at least they did when I was in office, and they also appointed the clerk and fixed his salary. After I had been two years endeavoring to do so, I got them to allow me a clerk. At that time clerk-hire was very high, and I could not get a good man for less than \$1,800 a year, and then I got Mr. Cheever as clerk, and his appointment was approved of in Washington and he was allowed \$1,800 a year.

Q. Were you allowed office rent; and if so, how much?

A. I was allowed what I had to pay.

Q. State the amount.

A. While I was there I divided the rent between the executive and the Indian department; I think about half each.

Q. At what rate?

A. I paid \$100 a year, and I had an office in common with the secretary; he paid \$250 a year because he had two rooms. The gross amount was \$350 a year for mine and the secretary's.

Q. Do you know this room that was occupied by Mr. Cumming?

A. I have been in the room, simply, and do not know how much of it was occupied by the Indian Office.

WASHINGTON, Thursday, February 21.

WILLIAM GILPIN sworn and examined.

By Mr. BRADFORD:

Q. Where do you reside?

A. At Denver City, Colorado.

Q. How long have you resided there?

A. Permanently, since 1861.

Q. What is the distance from Denver to the Hot Springs?

A. It is in the neighborhood of eighty miles.

Q. What would you consider a fair price per pound for hauling freight from Denver to near Hot Springs, last August?

A. There are no established rates there; but, judging from the fares charged on the central lines of transportation, I should say that from three to four dollars per 100 pounds would be a fair compensation.

By the CHAIRMAN:

Q. In passing from Denver to the Hot Springs would you cross what is called the "snowy range" of the Rocky mountains?

A. Yes. I call it the cordillera.

Q. How were the roads there in August, 1866?

A. The roads are difficult over the sierra.

By Mr. BRADFORD:

Q. What would you consider a fair price for hauling from Denver to the Rio Grande beyond Fort Garland?

A. I should think \$4 a hundred.

Q. Do you know of any person about the executive office in Colorado, or living in the Territory, named M. B. Cumming?

A. I do not.

A. C. HUNT sworn and examined.

By Mr. BRADFORD:

Q. Where do you reside?

A. In Denver City, Colorado. I have resided there for eight years.

Q. How many rooms have been occupied for the executive and Indian offices there?

A. Governor Evans had three rooms in the building occupied as the executive quarters on the west side of Cherry creek, and had his private office at his own house most of the time. In McClure's building there were two very large rooms and one small one, occupied both as an executive and Indian office, besides the library room up stairs.

Q. Was the office of the secretary of the Territory also there?

A. Only for a short time. He removed on account of a difficulty between him and the governor.

(A voucher for the salary of M. B. Cumming was here handed to the witness.)

Q. Do you know the signature of M. B. Cumming to that voucher?

A. I do not. I take it for granted it was it was intended for the governor's daughter. I have seen her writing quite often, but am not very expert in judging of handwriting. Her name is Mary.

Q. Do you know whether she acted as clerk of the superintendency?

A. I do not know. She left the Territory some time last spring. The governor had a son there, who did a good deal of writing, but they called him Alexander. There was also a gentleman there named Cheesman, who was always writing, and Major Thompson, and different other parties; I do not know in what capacity they were employed.

(To the chairman:)

I do not know any M. B. Cumming who was in the Territory, unless it was Mary Cumming. There are other Cummings there, but they generally spell their names differently. Mary Cumming went to the Territory in September or October, 1865. I was in the office almost every day that I was in Denver, and often three or four times a day, my store being directly under the office. If there had been any person named Cumming there, except the governor and his son and daughter, I should have known it.

(Voucher No. 2, in the name of James Wilson, for keeping a team of horses for the superintendent was here shown to the witness.)

By Mr. BRADFORD:

Q. Do you know James Wilson?

A. There are a number of Wilsons there, but I do not know any person of that name as keeping the superintendent's team.

Q. This appears to be a voucher for \$125 for keeping two horses one month; is that a fair price?

A. I suppose that a livery stable would charge that. It often costs more in the Territory to board a horse than it does to board a man. It would cost very much less to keep horses in the country, because they would run on the grass; but that is not usually a good plan for American horses. Some seasons there would not be any grass there in April on which a horse could live; but some seasons there is good grass even in March.

(Voucher No. 47, in the name of Frank Fay, for keeping a stud-horse was here shown to the witness.)

Q. Do you know any such person as Frank Fay?

A. There is a trader named Fay, who is in Denver a good deal. I do not know of his keeping the stud-horse. I know there was such a horse.

(Voucher No. 2, in the name of H. B. Bennett, for cattle, was shown to the witness.)

Q. Do you know anything about this?

A. I know the signature to be that of H. B. Bennett. And I know that the cattle were furnished to the Indians at Middle Park. I was a commissioner for making that treaty; and that is how I know that the cattle were delivered.

(Voucher No. 20 being handed to the witness.)

I know this signature of M. V. Stevens, and I know the cattle were delivered. A part of them belonged to his father; and the money was sent through me to his father. (Voucher No. 19 being handed to witness.) These cattle were furnished by Manuel Lusero. They were bought from different parties to be used for treaty purposes. Part of them were taken down with a team of mine. I think the price charged for the cattle is a fair price. (Voucher No. 37 being handed to the witness.) This is evidently the signature of L. Mullen. I know he performed these services. The teams he used were mules.

By the CHAIRMAN:

Q. What is the distance from Denver to the camp on the Rio Grande river, across the Snowy range?

A. About 210 miles would be the extreme distance, unless the teamsters went by the lower ford of the Rio Grande, as I heard some of them say they did, which would lengthen the distance ten or twelve miles.

Q. The furthest route they could take would be within 250 miles?

A. Yes, sir; that would be the furthest. A part of the way it is an excellent road, but a part of the way it is very difficult. It is a bad road one-third of the way.

(Voucher No. 27, fourth quarter of 1866, being shown to witness.)

I think this A. Boyd Cumming is the son of Governor Cumming. They always call him Alexander. He acted as secretary at that treaty, and so did Lewis Thompson. The governor kept the notes himself. The rough draught of the treaty was drawn by the governor. The son is about seventeen or eighteen years of age. There was no other A. Boyd Cumming acting there unless it was the governor's son. I should think they were gone twelve or fifteen days.

(Voucher No. 23, in the name of James Wilson, for services as messenger, being shown to witness.)

This may be the guide who accompanied the governor, or it may be his colored man Jim. He had two colored men—Thomas and James—and one went on the trip. There was also an Irishman in the office who was called James.

(Voucher No. 4, in the name of John Wanlace, being shown to the witness.)

I know this signature. I know that Mr. Wanlace performed the services charged for. Part of the teams were mine, and part were obtained from different parties. Part of the beef cattle were used to haul freight. That was necessary on account of the difficulty of the road.

WASHINGTON, D. C., February 26, 1867.

A. C. HUNT recalled and examined.

By Mr. BRADFORD:

Q. In transporting the freight to Middle Park, you said the other day, portion of these beef cattle were yoked up?

A. Some of them were.

Q. What portion of them?

A. I cannot tell, as I was not with the train at the time. They were yoked up until they got to the summit of the mountain, and then they were driven down.

Q. How many teams were there of these beef cattle?

A. There were nine wagons, or may-be ten in all.

Q. I asked how many were there of these beef cattle?

A. It is impossible for me to tell.

Q. How many teams were furnished by Captain Wanlace?

A. I cannot tell. We picked them up from different persons, and each person who had anything in it drew the same pay as the rest.

Q. How many did he furnish?

A. I cannot tell.

Q. There were two mule teams; were there any other ox teams except the beef cattle?

A. Yes; we had some to bring the wagons back. Mr. Oakes was with the teams the whole time.

Q. Do you know that Captain Wanlace furnished any?

A. I know he furnished a portion.

Q. Did you furnish any yourself? and if so, how many?

A. I cannot tell, because we picked them up from different persons.

Q. Was Captain Wanlace along himself?

A. No.

Q. He was not there at all?

A. No.

Q. He was not assisting in transferring this freight?

A. No.

Q. Do you know that he had a contract for hauling this freight?

A. Yes.

Q. Do you know whether he received this money?

A. I do.

Q. You were one of the commissioners who formed this treaty?

A. I was.

Q. I understand you to say this young man, A. Boyd Cumming, did not act as secretary at all?

A. I do not know that he acted as secretary. He was doing the writing. He was seated by his father.

Q. You do not know that he acted as secretary?

A. I do not know what you call secretary; but I know he did some writing. I did not know I had any authority to employ a secretary.

Q. Did not the Hon. H. P. Bennett make application to act as secretary, and was refused on the ground of expense?

A. Mr. Oakes spoke to me about himself; but I did not know that Mr. Bennett offered to do so.

Q. You know nothing of A. B. Cumming serving as secretary on your commission?

A. I know nothing about it.

By the CHAIRMAN:

Q. You say each person who had anything in it drew the same pay as the rest. What do you mean by that?

A. In making out vouchers of that kind, in order to save the trouble of having a number of papers where there are four or five partners in putting the teams together, the voucher is put in the name of one person.

Q. And then this amount is divided into equal portions for each?

A. Yes.

By Mr. BRADFORD:

Q. Does this 19,600 pounds of freight include all that was hauled by the beef cattle?

A. I think it includes all the freight taken over. I suppose the voucher corresponds with the amount of freight taken over.

WM. GILPIN sworn and examined.

By A. CUMMING:

Q. Were you ever to the Berthoud Pass?

A. I have been on the Pass?

Q. How far is it from Sulphur Springs to Denver?

A. Seventy-five to eighty miles.

Q. Did you ever go across the Boulder Pass?

A. No.

Q. Did you ever forward any goods into Middle Park?

A. Never.

Q. Nor go up with any forwarded there?

A. No.

(A map was here presented to witness.)

Q. What route would you take to get goods into Middle Park?

A. From Denver to Clear creek the road ascends, and thence I would go along to Empire, and in that line to Berthoud Pass, then to the north and through.

Q. I understand you to say the distance is eighty miles. Have you been up that road?

A. Yes.

CHARLES A. MIX recalled and examined.

By Mr. CUMMING:

Q. Be good enough to state to the committee if there has been from any superintendency on the continent as little complaint and trouble with the Indians since my administration as there has been from the Colorado superintendency.

A. My opinion is that since the Cheyennes and Arrapahoes were taken away from the Colorado superintendency and placed in the Central, there has been as little complaint as regards the disposition of the Indians to make war from Colorado as from any other superintendency.

Q. Tell the chairman whether there ever has been less complaint from that superintendency than during the eighteen months of my administration; I mean complaints about troubles with the Indians.

A. I think that, so far as these complaints go, there has heretofore been, in the early part of the administration, no complaints, except with the Indians west of the Snowy range. There were some little complaints before this treaty was made of an anticipated outbreak, which amounted to nothing.

Q. Complaints since my administration?

A. Last summer from the Tabeguaches.

Q. That was from the New Mexico Indians who came into our Territory?

A. I supposed they belonged to that place, as it was stated the trouble was there. They did not.

WM. R. BREWSTER sworn and examined.

By Mr. CUMMING :

Q. Were you ever in Middle Park ?

A. I was there last summer.

Q. How did you get there ?

A. I went over the Berthoud Pass.

Q. How did you get out ?

A. By what is now called the Jones road, which he was building then, but is now completed.

Q. Was there any road there when you were there ?

A. There was no road there at the time.

Q. Or sign of a road ?

A. No.

Q. Would it have been possible to have taken wagons across that road ?

A. I think not.

Q. What has been your business in Colorado for the last year or two ?

A. I had the management of the Overland Despatch Company's business.

Q. Are you familiar with freighting, &c. ?

A. I am.

By the CHAIRMAN :

Q. What, in your estimate, would be a fair price, per 100 pounds, for freighting from Denver to Sulphur Springs in August ?

A. I would not like to have taken the contract at all, because I had not been over the roads which go into the Park, and it would be hard for me to say what it would be worth.

Q. You did not want to take it at all ?

A. I did not, because I understood the time this train was going into the Pass there would be great delays.

Q. You cannot fix on any value, then ?

A. I would not like to do so.

J. H. LEAVENWORTH sworn and examined.

By Mr. CUMMING :

Q. Were you ever in Middle Park ?

A. I was.

Q. How did you go there ?

A. From Centre City across by the head of Mill creek.

Q. Did you ever hear of anybody taking freight on wheels across the Berthoud Pass ?

A. Not at the time I was there.

Q. Would you like to undertake to freight goods across to Middle Park by the Pass ?

A. Not at the time I went through in 1861. When I crossed there I would not like to undertake to transport goods by wheel.

Q. Do you know that there is any material change in the mode of going into the Middle Park since that time ?

A. I do not.

Q. What is the comparison between the transportation across this mountain and ordinary transportation across the country ? Is there much difference between the two ?

A. I should think so.

By the CHAIRMAN :

Q. Can you give any estimate of what freight would be worth ?

A. I don't think I could give any estimate ?

A. C. HUNT recalled and examined.

By M. CUMMING :

Q. State to the committee what interest I had in this transportation.

A. You had none.

Q. Will you be good enough to say whether, of your own knowledge, I paid these bills as audited to me by Agent Oakes, in whose charge this business was, and sanctioned by you in every case ?

A. You did. Perhaps it will be well to say that the freight was engaged and the teams got together and started before you got to the Territory ; it was done on the order of the Indian Commissioner by telegraph, and we went to work at once, as we had only the smallest possible space of time to get it off in.

Q. Do you know whether anybody has ever dreamed of taking wheels across the Berthoud Pass ?

A. I know there never were wheels went across it.

Q. Don't you know it is impossible to take them across there ?

A. Yes.

By the CHAIRMAN :

- Q. Was that the road by which these goods did go ?
 A. No.

By Mr. CUMMING :

- Q. How did they go ?
 A. By the South Boulder Pass, as far as they could, then mounted the top of the mountain and along the Snowy peak. We were three days going one mile with two men to every wagon, and the men were paid \$50 per month and their board.

By the CHAIRMAN :

- Q. How many men did you say ?
 A. Two drivers to each wagon, and, in addition, twelve men to help us.
 Q. Was there any better road than the one you took ?
 A. No. I told the agent that it was a mad thing to go there.

By Mr. CUMMING :

- Q. How did you get them down over this worst part of the road ?
 A. We broke down four wagons.
 Q. Did you know these Indians had about two thousand ponies ?
 A. Yes ; I think they had.
 Q. Don't you know that, to extricate this freight from the dilemma in which it was, Agent Oakes went and told the Indians that the liberality of the government was so great that the wagons had broken down, and that they should come up and get them over ?
 A. Yes ; and they did come, and we killed three beeves for them, and they eat them.
 Q. Do you not know that the whole proceedings were suggested to the Indian department by the agent in charge of the business of these Indians, and that upon his suggestion the order was made to hold this counsel ?

A. I know that.

Mr. CUMMING to the chairman ; There is an estimate, which I put in evidence.

The following was then read :

| | |
|---|-----------------|
| 15,000 pounds flour at twenty cents, Denver price | \$3,000 00 |
| 1,500 pounds sugar at forty-five cents | 675 00 |
| 300 pounds coffee at fifty cents | 150 00 |
| 500 pounds tobacco at one dollar and twenty-five cents | 625 00 |
| 40 head of beef cattle, probable cost \$80 | 3,200 00 |
| Probable cost of transportation at twelve cents per pound | 2,076 00 |
| Total | 9,726 00 |

WITNESS. The agent said I made that estimate too low.

- Q. Was not this flour estimated at twenty cents ?
 A. Yes.

By Mr. BRADFORD :

- Q. Who made that contract with Colonel Wanlace ?
 A. There was no contract made with any person. There was an agreement made with all who put in their teams that they should draw in proportion to the estimate made by Mr. Oakes and myself. The voucher was made out in one person's name, as it seemed to be the best way to put them in one voucher. It was not a regular contract.
 Q. You had no regular contract made, then ?
 A. Only a verbal one.
 Q. You say he only furnished two teams ?
 A. Captain Mullen only furnished two teams. Colonel Wanlace, Laggendorf, and myself had some cattle, and we put in what we had and divided what we got ; but we were limited by this estimate.
 Q. I understand you to say Colonel Wanlace drew this money ?
 A. His proportion of it.
 Q. He did not draw all of it ?
 A. He drew it from the governor, and each one got his proportion.
 Q. Do you mean the beef cattle ?
 A. The beef cattle were put in to help do the hauling. At starting it was not supposed they would be wanted, as we had eight cattle besides, but we found we were behind the time that had been appointed to meet the Indians, and we were anxious to get on.
 Q. There was, then, no contract made with Colonel Wanlace ?
 A. No contract ; it was understood that the price would be limited to the estimate.
 Q. He was not present himself ?
 A. No, he did not go himself.
 Q. Did he do anything at all ?

A. He did.

Q. What did he do ?

A. He helped to get together the teams.

Q. Was there a contract made for this transportation done to the Rio Grande—for the voucher signed by Captain Mullen ?

A. I told Captain Mullen I would give him twelve cents per pound.

Q. Who owned the teams that did that transportation ?

A. He did.

Q. Did he own them all ?

A. I do not know whether he, or his son or his brother owned any.

Q. Did you own any of them ?

A. I owned one ox team that went down the early part of the summer.

Q. Who owned the wagons ?

A. He owned them.

By Mr. CUMMING :

Q. Was it necessary or usual for persons undertaking to carry freight to always accompany their teams ?

A. Very rarely. I seldom go with them.

Q. When Agent Oakes presented these vouchers, were they not examined with care to see that they were right ?

A. I know they were, because Oakes and I were present at the time.

Q. Were not the goods sent to the Rio Grande forwarded before I arrived in Denver ?

A. Oakes sent one load.

WASHINGTON, February 27, 1867.

JOHN EVANS recalled and examined.

By Mr. CUMMING :

Q. In stating the distance to Sulphur springs, you meant by way of Empire City ?

A. Yes, sir.

Q. You were never in the Middle Park at all ?

A. I have been in the arm of it, by the Blue river.

Q. Is that on the route to Sulphur springs ?

A. No, sir. I suppose you could go around that way, but it would be a long way out of the way.

Q. How much out of the way ?

A. Some forty or fifty miles.

Q. How long were you governor of Colorado ?

A. About four years.

Q. What is regarded as the ground of the Uintas and Wanta band of Indians ?

A. The country that they claim as their country is described in the report of their agent, Major Whitely, which was forwarded to the Indian Bureau in 1864 ; the exact boundaries of it I cannot recollect.

Q. What do you regard as the eastern boundary of their grounds ?

A. What is called Gore's Pass, lying west of the Middle Park.

Q. Have you ever sent any goods to that region of the country ?

A. No, sir.

Q. Do you know anybody who sent any goods to their ground, or what was regarded as their ground ?

A. The agency for them was established by Major Whitely in Middle Park when he first went there, and I believe goods were sent there by him.

Q. Do you know how he took the goods there ?

A. I think he took them by pack trains ; in fact, communication was almost entirely by pack trains at that period.

Q. Don't you know there was no road through the Middle Pass last August ?

A. I do not. I understood from the public prints that Mr. Jones had made a road over the range, by the Pass.

Q. Did you see Mr. Jones ?

A. I saw a notice last summer that he had opened such a road.

Q. Did you ever see anybody who had gone to the Middle Park by that road ?

A. No, sir ; I have not been in a position to have seen anybody.

Q. You kept a pair of horses during your superintendency.

A. Yes, sir ; part of the time.

Q. What was the probable cost of keeping them at the time you retired from office ?

A. It was very high. We had to pay eighteen to twenty cents per pound for corn.

Q. Do you know that signature ? (A voucher shown to witness signed by Thomas Goodrich.)

A. Yes, sir.

Q. Was that man in your employ?

A. Yes, sir. He was employed by the government to take care of the horses.

Q. Was he not in your private employ also?

A. He was a part of the time.

Q. You consider this a fair charge do you not?

A. Yes, sir.

Q. You did not consider it wrong for him to make this charge while he was in your private employ?

A. I did not think it inconsistent at all for him to take care of my rooms while employed by the government. I kept my office in my house up to this time.

Q. Don't you know that it was impossible to send wagons by the Boulder Pass?

A. No, sir. I know that goods were sent by that Pass. At the the time Major Whitely was there he had a detachment of troops with him, and the government teams went over to the Hot Sulphur springs, crossed the Boulder Pass to his camp, and his goods may have gone that way for all I know.

Q. The distance you mentioned was over the route travelled by Major Whitely?

A. Yes, sir. Major Whitely went by trail. There was no wagon route then.

Q. You never travelled over that route?

A. I never travelled to Sulphur springs.

Q. Don't you remember whether you sent goods to the Indians?

A. If goods were taken there they were taken by Major Whitely, and not by me. I never took any personally.

Q. Never ordered any?

A. I do not remember whether I ordered the goods that Whitely took or not.

W. R. BREWSTER recalled and examined.

By Mr. CUMMING:

Q. Do you know Mr. Esterbrook, a livery stable keeper?

A. Yes, sir.

Q. Do you know him to be a respectable man?

A. Yes, sir.

Q. Would you recognize his signature?

A. I am not certain. I have paid several bills of his. I think I would.

Q. Is that his signature? (A voucher was here shown to witness.)

A. I could not say, but my impression is that it is.

Q. Do you consider that a fair charge when you were there?

A. I should think it was. I know I was paying for a large number of horses there, and it cost me very nearly \$1 50 a day for them.

Q. When did you reside in Denver?

A. I was there in December, 1865. I went there again in April, 1866, and remained there until May, when I went to New Mexico, and returned in July and remained until November.

By Mr. BRADFORD:

Q. Do you know Alexander D. Cumming?

A. Yes, sir.

Q. How old is he?

A. About fifteen or sixteen years old.

Q. Did he accompany you out there?

A. Yes, sir.

Q. Did he perform any service?

A. Not while he was with us. I allude to when we went out there, and not when we returned.

A. A. BRADFORD sworn and examined.

By Mr. CUMMINGS:

Q. You handed the chairman some affidavits the other day.

A. Yes, sir.

Q. When did you receive those affidavits?

A. About three or four days ago.

Q. From whom?

A. They were accompanied by a letter from J. Q. Charles.

Q. Have you got that letter?

A. I may have it in my room.

Q. Will you send it to the committee?

A. If I can find it I will.

Q. Were any other affidavits sent to you?

A. Yes, sir; a few more. There was one from Mr. Whitsell.

Q. Have you any affidavits upon some other subject?

A. I don't think I have.

A. O. PATTERSON sworn and examined.

By Mr. BRADFORD:

Q. Where do you reside?

A. Golden City, Colorado Territory.

Q. How long have you resided there?

A. About a year. I have lived in the Territory about seven years.

Q. Were you present at or about the time a treaty was made at Middle Park?

A. I was not present; I was in the vicinity.

Q. Were you on the treaty ground after it was made?

A. I was very near it.

Q. How far is Denver from Sulphur springs by Boulder Pass?

A. I think it is about a hundred miles.

Q. How far from the springs was the treaty ground?

A. I could not say; I was not there.

Q. How far do you suppose it was?

A. It was the general impression that it was at the springs.

Q. Did you see the party the next day?

A. I saw Governor Cumming.

Q. The route by the Boulder Pass was the only one used?

A. I believe so. I have learned that a route has since been made by Mr. Jones.

Q. You are frequently at Denver?

A. Yes, sir.

Q. Are you frequently at the Indian office there?

A. I frequently called there.

Q. Do you know of any clerk sitting there during the year 1866?

A. I cannot recollect of any now. There is a clerk—I cannot recall his name now—that came down with Governor Cumming.

By Mr. CUMMING:

Q. You did not, in fact, know anything about the arrangements of my office?

A. No, sir.

Q. Don't know who did the work?

A. No, sir.

Q. Was there any possibility at the time you were there of going through Bethoud Pass with a wagon?

A. No, sir; none at all.

Q. Do you know anything about Mr. Jones attempting to go through the Middle Park?

A. I do, something about it.

Q. Do you know what success he had?

A. He could not get through with his teams, and went around by Breckinridge.

Q. Do you know his expedition was an entire failure?

A. He told me it was not.

GEORGE A. CHILLICOTT sworn and examined.

By Mr. BRADFORD:

Q. Where do you reside?

A. Denver, Colorado.

Q. What business were you in there?

A. I was register of the land office.

Q. Have you been frequently at Fort Denver?

A. Yes, sir.

Q. What would be a fair price for hauling freight to the crossing of the Rio Grande from Denver, by way of San Christo?

A. I should say five cents would be very liberal.

Mr. Cumming asked permission to offer in evidence the following papers:

[Telegram.]

PHILADELPHIA, June 27, 1866.

A. C. HUNT, *Denver, Colorado*:

I am authorized by the Commissioner to appoint a council for treaty with Agent Oakes's Indians, in Middle Park, August twelfth, (12,) and at Conejos, for Agent Head's bands, for annual distribution of goods, August thirtieth, (30.) Please request both to make arrangements promptly. Limit Oakes's purchases to five thousand (5,000) dollars, and Head's according to original estimate. Assemble as many Indians as possible. Letter by mail.

A. CUMMING,

Governor and Sup't Indian Affairs, Colorado Territory.

PHILADELPHIA, July 6, 1866.

SIR: I have the honor to enclose a copy of a telegram which I sent in accordance with your instructions to the agents in the Colorado superintendency.

I deemed it wise to send the despatch to Mr. A. C. Hunt, a prominent citizen of Denver, because of the distance of the Conejos agency (L. Head's) from the terminus of the telegraph, and also on account of my uncertainty as to Agent D. C. Oakes's whereabouts at the time. Mr. Hunt will see that both the agents are furnished with copies for their guidance.

I am, very respectfully, your obedient servant,

ALEXANDER CUMMING,

Governor and *ex officio* Sup't Indian Affairs, Colorado Territory.

Hon. D. N. COOLEY,
Commissioner of Indian Affairs.

[Telegram.]

PHILADELPHIA, June 27, 1866.

A. C. HUNT, Denver, Colorado:

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A. CUMMING,

Governor and Superintendent Indian Affairs, Colorado Territory.

DENVER, COLORADO, July 25, 1866.

WASHINGTON, July 25, 1866.

Hon. D. N. COOLEY, Commissioner of Indian Affairs:

Has a treaty with the Indians been ordered? If so, what measures am I to take in the premises? I want instructions. Can hear nothing from Governor Cumming. Immediate and definite action is necessary to prevent a general war with these tribes.

FRANK HALL,

Acting for Col. Terry, and *ex officio* Indian Affairs.

THE MIDDLE PARK INDIAN AGENCY, COLORADO TERRITORY,

Denver, April 23, 1866.

DEAR SIR: I made a special report, dated February 12 last, in relation to a treaty with the Indians in my charge, forwarded by the governor on the 14th February, asking instructions, and as yet have received none. I wish you would take the trouble to inquire after it in the Office of Indian Affairs; and if there has been no action taken upon it, read it yourself, and you will understand the importance of early action. Unless a treaty is made with these Indians the coming summer we may expect trouble. Gold and silver were discovered in their country last year, and it is next to impossible to prevent prospectors and miners from going there. I would have written you some time ago in reference to it, but the governor seemed to think he would get an answer immediately.

Yours, truly,

Hon. ALLEN A. BRADFORD.

D. C. OAKES.

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,

July 30, 1866.

SIR: Referring to office instructions of the 27th instant, directing you to hold councils with the Tabeguache and the Green River and Uintah bands of Utes, and to negotiate a treaty with the latter bands, I would state that, as the matter is one of great consequence, it would be desirable to have some one in addition to the agents associated with you in holding the councils.

The Hon. A. A. Bradford was requested to act with you in this matter; but owing to other engagements he was compelled to decline. It has therefore been determined to leave the selection of an associate commissioner in your hands, the department feeling assured that such selection will be made with the view to the best interests of the service.

Very respectfully, your obedient servant,

D. N. COOLEY, Commissioner.

Hon. A. CUMMING,
Governor, &c., Continental Hotel, Philadelphia.

General O. E. BABCOCK sworn.

By Governor CUMMING:

Q. General, were you ever in Colorado?

A. I was in May and June last.

Q. Were you in the Middle Park?

A. I was.

Q. At what period?

A. During the last week of May and first of June.

Q. By what route did you go into the Park?

A. I went by Vasquez Pass.

Q. By what mode of conveyance, general?

A. On foot.

Q. Was there any sign of a wagon road there?

A. Nothing within two miles of the top of the mountain. I should judge it to be two miles; that is on the north side, and no appearance of a road on the south side.

Q. Would it have been possible to have taken freight into the Park at that time with wagons?

A. No, sir.

Q. Have you ever heard of a design of making a road there at that time, or since?

A. I heard, at that time, Mr. John Jones said that he was going back to Denver to open books to build a road through this Pass, or the one just above it.

Q. By what route did you come out of the Park?

A. Through the Berthoud Pass,

Q. By what means?

A. On foot.

Q. Would it have been regarded as the act of a sane man to have attempted to take freight through there on wagons, at that time?

A. No, sir, it would not. You could not take empty wagons, either together or in pieces, or pack-mules, at that time. We tried to take our provisions on pack-mules and abandoned it.

Q. Have you any knowledge of a feasible route into that Park by wagons?

A. I have not, by any existing road.

WASHINGTON, D. C., March 1, 1867.

J. B. CASS sworn and examined.

By ALEXANDER CUMMING:

Q. Where is your residence?

A. I reside at Golden City, Colorado Territory.

Q. How long have you resided in Colorado?

A. Six years.

Q. What has been your business?

A. I have been engaged in the banking business most of the time, and in the grocery and also in freighting business.

Q. Did you do much in freighting?

A. Considerable.

Q. You have a general knowledge of the freighting business in that country?

A. Yes.

Q. Can you give any reliable information as to what freighting is there?

A. I can.

Q. What do you know of the general impression in that country as to the uneasiness about Indian troubles apprehended by the public mind, at the time this freighting was done?

A. There was great apprehension at the time.

Q. Do you know that extraordinary efforts were called for to keep them in good humor?

A. Yes.

Q. Do you know they appeared in Denver, indicating discontent and disappointment with the government?

A. I saw them there.

Q. Suppose in this instance you had been called upon to send goods to Middle Park to meet this emergency—taking the question of time into consideration—what would you think a fair price to take freight from Denver to Sulphur springs?

A. I should not like to take less than twenty-five cents per pound.

To the CHAIRMAN:

Golden City is fourteen miles from Denver. The price I fix was from the difficulty of making the goods in a certain time there, and not from danger from the Indians.

E. M. ASHLEY recalled and examined.

By Mr. CUMMING :

Q. You said, a few days ago, five or six cents would be a fair price for freight ; by what road did you mean ?

A. By the Berthoud Pass.

Q. When were you over that road ?

A. In 1862. I have never seen wagons taken across there. I heard they were taken there during the Bay river mining affair.

Q. What do you know about the age of my son ?

A. I have seen him, and judged from that. I have never asked you his age, or asked his mother, and only guess at it.

To the CHAIRMAN :

It is the mire and mud in the Pass that makes the difficulty of travelling. I passed there the last of August or first of September, 1862. There was mud up to the horses' knees.

WILLIAM CRAIG sworn and examined.

By Mr. CUMMING :

Q. Where do you live ?

A. In Colorado Territory since 1864 ; and have been an officer in the army there. I was engaged in freighting through that region. There were great apprehensions of trouble with the Indians last summer there, and the inhabitants were urging the necessity of some action to pacify them. I know the point where the council was said to have been held, but was not there.

Q. What would you think a fair price for freight from Denver to that place ?

A. It would depend on the time you wished to get there. I would not have freighted it there for ten cents a pound when it came under the head of express freight, by mule train.

J. B. CASS recalled and examined.

By BRADFORD :

Q. Do you know M. B. Cumming ?

A. Yes ; she was not in Colorado the 1st July, 1st October, or 1st January last.

— PATTERSON recalled.

Q. What is the condition of the Boulder Pass for freighting goods ?

A. It is a very bad Pass, and don't think you could get a wagon over it at all.

By Mr. BRADFORD :

Q. How far is it from Denver to the treaty grounds ?

A. I think about 100 miles.

To Mr. CUMMING :

I think it has been surveyed, but I know nothing about that ; I am speaking of the regular road.

A. C. HUNT recalled and examined.

By Mr. CUMMING :

Q. How did you load the wagons for carrying the freight ?

A. We had a telegram to get off as quick as we could, as the time had already been deferred three times, and we started one team at once. I went to Captain Mullen and he furnished the mule team, and he understood he was to get twelve cents per pound. All the rest were sent after ; ours were only half laden. If I was offered to-day fifteen cents or eighteen cents a pound I would not take it, except the job was big enough to build a road for it. I heard Mr. Carmichael, who brought the goods to Denver, make a verbal proposition, while he had the goods on his cars, to take them on for ten cents a pound.

To Mr. BRADFORD.

The voucher was put in one person's name, and he gave the rest their proportion out of it.

WILLIAM CRAIG recalled and examined.

By Mr. CUMMING :

Q. Was it not customary to have one man sign a voucher for service rendered for transportation, and then divide the amount with the others who were joined with him in the business.

A. We had men who signed vouchers for all, but it was not a customary thing.

S. J. TAPPIN recalled and examined.

By Mr. BRADFORD :

Q. In what capacity have you acted for the last four years in Colorado ?

A. Lieutenant colonel first Colorado cavalry.

Q. What would you consider a fair price for freight from Denver to Fort Gardiner ?

A. My impression is that, during the summer and fall of 1863, Mr. Post, the sutler, paid two to three cents a pound.

By Mr. CUMMING :

Q. You never paid this price yourself ?

A. No; I have only the statements of others for it. One of the companies of my regiment brought their own freight that way. How it was done I don't know. I heard Mr. Post had some brought there, but it was done by Mexicans—return wagons. I know nothing about it personally.

WASHINGTON, D. C.,

Monday, February 25, 1867.

Mr. Bradford presented the following letter from Adjutant General Townsend, and depositions of David A. Chever, David H. Nichols, and George T. Crocker, which were received and made part of the testimony :

ADJUTANT GENERAL'S OFFICE,

Washington, February 22, 1867.

SIR : In reply to your request of the 19th instant, that you might be informed what service Brevet Major Lewis Thompson, captain second United States cavalry, was under, or what duty he was performing, during his sojourn in Colorado Territory, from November, 1865, to January, 1867, I have the honor to inform you that Brevet Major Thompson (then first lieutenant) was directed to report in person to the governor of Colorado for special duty.

The particular kind of duty he was performing is not known to the Adjutant General.

Very respectfully, your obedient servant,

E. D. TOWNSEND,

Assistant Adjutant General.

Hon. A. A. BRADFORD,

House of Representatives, Washington, D. C.

David A. Chever, being duly sworn, deposes and says that on or about the first day of January, A. D. 1866, he was clerk in the Colorado superintendency of Indian affairs; that on or about that day, Alexander Cumming, superintendent of Indian affairs, in an interview, had by his own appointment in the private room of the governor, informed deponent that he was spending more money than he could afford, and that he must have the salary of the clerk of the superintendency; that the exact words used by said Cumming in such relation were as follows, to wit: "I must have that eighteen hundred per annum;" that deponent inferred that he was expected to resign, and that the said office of Indian clerk would be filled by a Mr. Thompson, a lieutenant in the United States army, at that time one of the governor's household. That the said Cumming at that interview expressed great desire to retain the services of the deponent in the Indian office, and offered to appoint him to the office of territorial librarian, the salary of which he promised to have increased, and also to use his influence to have increased the salary attached to the office of adjutant general of the Territory, at that time filled by deponent; that shortly afterwards the office of auditor of the Territory was also offered to the deponent by the said Cumming, as a further inducement to remain in the Indian department; that deponent did not elect to remain in said office, but did peremptorily resign said Indian clerkship, and emphatically refuse to accept the territorial offices above set forth; that deponent did not at that time, nor for some time after, understand that he was expected to fill the office of Indian clerk, sign vouchers for salary of same, and pay said salary over to said Cumming, but that he has since so believed and does so believe at the present time.

DAVID A. CHEVER.

Subscribed and sworn to before me on this 8th day of February, A. D. 1867.

JOHN Q. CHARLES,

Notary Public.

David A. Chever, being duly sworn according to law, deposes and says that he is a resident of the city of Denver, and Territory of Colorado, and has been a resident of said city since the month of July, A. D. 1859.

Deponent further says that when Alexander Cumming, governor of Colorado Territory, came to the said Territory in the fall of 1865, he was accompanied by one Mary B. Cum-

ming, who was his reputed daughter; that the said Mary B. Cumming remained in the Territory until some time in the month of April or May, A. D. 1866, when she returned east with her reputed father, Alexander Cumming, governor of Colorado: that the said Mary B. Cumming has not resided in this Territory since the time of her said departure in the month of May, 1866; that this deponent knows of no other person in this Territory by the name of M. B. Cumming, and verily believes that there has been no one connected with the office of Indian superintendent of Colorado by the name of M. B. Cumming, unless it was the said M. B. Cumming aforesaid.

Deponent further says that he is and has been acquainted with the employés in and about the office of the superintendent of Indian affairs, and that he verily believes that the said Mary B. Cumming never acted in the capacity of clerk of the Colorado superintendency of Indian affairs, or in any other capacity in or about said office.

DAVID A. CHEVER.

Subscribed and sworn to before me on this 8th day of February, A. D. 1867.

JOHN Q. CHARLES, *Notary Public.*

TERRITORY OF COLORADO, *County of Arapahoe, ss :*

David H. Nichols, being duly sworn, on oath deposes and says that he is a resident of the city of Boulder, Colorado Territory, and has been since the month of May, A. D. 1860, and that he is over the age of forty years. Deponent further says that some time in the month of August or September, A. D. 1865, Alexander Cumming, governor of Colorado Territory, came to said Territory, and that his reputed daughter, Mary B. Cumming, came to said Territory with him; that said Mary B. Cumming remained in said Territory until some time in the month of April or May, 1866, when she left said Territory, with her reputed father, Alexander Cumming, governor, &c., and has not since returned to, or resided in, said Territory; that deponent is well acquainted with the people of this Territory and with the employés in and about the office of the said Alexander Cumming, governor as aforesaid, and that he knows of no other person in said Territory, or who has been employed in or about the office of the said Alexander Cumming, by the name of M. B. Cumming, excepting the said Mary B. Cumming. Deponent further says that he does not believe that the said Mary B. Cumming, aforesaid, ever acted in the capacity of clerk for the office of Indian superintendent of Colorado Territory, or in any other capacity in said office.

Further deponent saith not.

D. H. NICHOLS.

Sworn to and subscribed before me this 8th day of February, A. D. 1867.

ALEX. W. ATKINS, *Notary Public.*

TERRITORY OF COLORADO, *County of Arapahoe, ss :*

George F. Crocker, being duly sworn, on oath deposes and says that he is a resident of the city of Denver, Colorado Territory, and has been since the month of June, A. D. 1860, and that he is over the age of thirty-five. Deponent further says that some time in the month of August or September, A. D. 1865, Alexander Cumming, governor of Colorado Territory, came to said Territory, and that his reputed daughter, Mary B. Cumming, came to said Territory with him; that said Mary B. Cumming remained in said Territory until some time in the month of April or May, 1866, when she left said Territory, with her reputed father, Alexander Cumming, governor, &c., and has not since returned to or resided in said Territory; that deponent is well acquainted with the people of this Territory, and with the employés in and about the office of the said Alexander Cumming, governor as aforesaid; and that he knows of no other person in said Territory, or who has been employed in and about the office of the said Alexander Cumming, by the name of M. B. Cumming, excepting the said Mary B. Cumming. Deponent further says that he does not believe that the said Mary B. Cumming aforesaid ever acted in the capacity of clerk for the office of Indian superintendent of Colorado Territory, or in any other capacity in said office.

Further deponent saith not.

GEORGE F. CROCKER, *Attorney at Law.*

Subscribed and sworn to before me this 7th day of February, A. D. 1867.

ALFRED SAYRE, *Notary Public.*

Governor CUMMING presented the following statement :

WASHINGTON, D. C., *February 28, 1867.*

SIR: In reference to the vouchers, a list of which you handed me, I respectfully submit the following statement:

I presume that all the items in relation to the supplies and transportation for the two

Councils with the Indians last summer are answered by the testimony of Mr. Hunt, confirmed by the testimony of others as far as it is applicable to the question.

First, that this business was all necessarily done in my absence, in accordance with the authority of the Indian department; and, secondly, as I believe, that the committee must have seen that the services were all faithfully performed and a full equivalent rendered for all moneys paid.

With regard to the rent, I have only to say, that I changed the offices of the executive and Indian superintendency in Denver, after consultation with the Hon. James M. Ashley, chairman of the Committee on Territories, in consequence of the inconvenience of the place formerly occupied, which was across Cherry creek and in a portion of the town that had been drowned out by inundation, and the greater part of it abandoned—many of the houses having been actually taken down and removed to the opposite side of the creek. It cost the Indian department more because the executive fund for that year had been nearly all expended by Governor Evans before I arrived in the Territory, although only about one-fourth of the year had expired. Mr. McClure, from whom the rooms were rented, is a public officer—assistant treasurer of the United States mint at that place. The vouchers are signed by himself, and are entirely regular. He always assured me that the rent was lower than he could get for the premises, and I believe he got more immediately upon my leaving them.

When I removed to Golden City, where the law locates the seat of government, I encountered considerable difficulty in obtaining rooms, and adopted the plan of renting rooms for several purposes together, and paying a fair proportion out of the Indian account. If these rents are deemed too high, I suppose the loss will fall on me, although the premises were occupied and used for the public service.

The vouchers for keeping the horses are, I suppose, fully and satisfactorily explained by General Brewster.

The charge for keeping the horses is in accordance with the usual rates there—less, I think, than they had previously cost.

The vouchers in relation to the stallion, I presume, are fully explained by the testimony of Mr. Hunt.

The charge by Mr. Hunt for his services I presume to be fully explained by him, in view of the authority given me for his appointment.

In relation to the voucher for expenses for superintendent, I have only to say, that I was informed that it was the practice of the department to pay the superintendent for reaching his post. I wrote to the Commissioner to know if this were so, and received a letter, in reply, saying that the charge was a usual one, and I accordingly made out a voucher.

The appointment of a clerk, as has been testified by Mr. Mix, is under the authority of the Indian department. During her absence the work was performed by her brother. The amount paid is the same as that allowed and paid for years past.

The work has been as well done as ever it was, and the government has received a full equivalent for the money paid.

If there is any impropriety or irregularity in this, the amount can be charged to me in any future settlement of my account.

In regard to the appointment of my son as secretary of the commission to hold a council with Indians, I have to say I was authorized to make the appointment by Judge Cooley, Commissioner of Indian Affairs.

I was asked by the Commissioner to undertake a most arduous duty, involving a vast deal of exposure and risk, and I was not willing to undertake it without some one along with me upon whom I could with confidence rely, and upon whom I could instantly call in any emergency. He rendered the service faithfully and earned the money, and I presume it is hardly the purpose of the government to exact his services for nothing.

I am under the firm conviction that no services in the Indian Department have accomplished so much, at so little cost to the government, as those in relation to the charges for which complaint has been made to the committee; and I believe, further, that this complaint has not originated in any desire to promote the public good, but has been intended to bring about measures that will supplant the present peaceful condition of things in Colorado, and substitute for it the old regime which led to the horrors of the Sand Creek massacre, and the reckless expenditure and waste of hundreds of thousands of dollars of public money. It is because I have steadily set my face against these attempts to foist upon the Territory a military force with a view to an Indian war, that these people who complain of me through its means might engage in plundering the public treasury, that I have been thus assailed. It is because I have assured the government constantly that no military force was needed here, and that the only thing required to enable me to maintain the peace of the Territory was that the Indians should be treated fairly, and the treaty stipulations fulfilled honestly by the government, which had not heretofore been done. My whole offence consists in this, and nothing more.

I have the honor to be, respectfully, your obedient servant,

A. CUMMING,
Governor, &c., Colorado Territory.

Hon. WILLIAM WINDOM, *Chairman, &c.*