

J. C. D. BLACKBURN.

[To accompany H. Res. No. 449.]

FEBRUARY 9, 1869.—Ordered to be printed.

Mr. B. F. BUTLER, from the Committee on Appropriations, made the following

## REPORT.

*The Committee on Appropriations, to whom was referred the letter of the honorable Secretary of the Interior, of February 4, 1869, covering a communication of the Commissioner of Indian Affairs of February 3, instant, and accompanying papers, in relation to supplies furnished by J. C. D. Blackburn to Kiowa, Comanche, and Apache Indians, for which payment is requested in the sum of \$132,973 48, respectfully ask leave to report:*

That the foundation of this claim, as appears by the documents submitted, is a letter addressed by the Commissioner of Indian Affairs, of March 10, 1868, to J. H. Leavenworth, United States Indian agent, in reply to three communications submitted by the Chickasaw commissioner, in "relation to raids and depredations by wild Indians, and the killing of some of the people," from which it appears that the matter has been referred to the President by the Secretary of the Interior, for his consideration, that military protection might be afforded the Chickasaws.

The Commissioner therein avers that the outrages complained of are chargeable to members of the Comanche and Kiowa tribes, and that he is directed by the Secretary of the Interior to instruct Mr. Leavenworth, the agent having charge of those tribes, upon that subject. The Commissioner says:

You will, without delay, make inquiry respecting these raids, and the parties engaged in them, and should it be found that Indians under your care are implicated, you will take energetic steps to prevent any further invasion by them of the Chickasaw country, or the repetition of their outrageous acts.

It further appears from the report of the Commissioner, that the government were feeding the Comanches, Kiowas and Apaches, at the time of these raids, under a contract with one Charles Stettauer, who is a merchant in New York, believed to be in the dry-goods trade; which contract continued to be fulfilled by Stettauer till the 1st of May, following. This contract bound the United States to give  $9\frac{3}{10}$  cents per pound for beef on the hoof, the weight of which was guessed at by weighing one or more of a drove of steers, and then averaging the remainder at that weight by estimation. The committee believe and are informed that the price was nearly if not quite twice the worth of the beef even at an accurate weight. The Indians were also to be furnished with corn-meal at  $5\frac{3}{10}$  cents per pound, which, at 52 pounds the bushel, is \$2 75; and salt at  $6\frac{1}{2}$  cents per quart, or \$2 per bushel. Stettauer went on furnishing at these prices until all the money appropriated by Congress, or directed

by the department for this purpose, was exhausted. It will be observed that notwithstanding the feeding of these Indians, their outrages upon their peaceful neighbors, the Chickasaws, and trespassing on their reservations, were done on the 15th of February, while they were fed; nor did the Indians make their raids for fear their supplies would cease, for they did not cease even under Stettauer's contract until the 1st of May following.

It does not appear from any papers submitted that Agent Leavenworth took any pains to keep the Kiowas and Comanches upon their own territory, or that he made any report to the department on the subject or called for any military protection, but chose to interpret the instructions above recited into an order to buy provisions to feed these Indians, which interpretation does not seem to have been sanctioned, because Mr. Taylor expressly reports their supplies "were furnished without authority from this office." On the 26th of May, 1868, Mr. Leavenworth addressed a letter to Mr. J. C. D. Blackburn as follows:

By instructions from the Indian department I have been directed to get the Indians of my agency upon their reservation and to keep them there by all available means. I have no means to keep them there or to carry out the wishes of the department except to furnish them rations, and as the contractors have discontinued the issuing of subsistence, I have to request if you will furnish me supplies for them, and at what rate. As there are no funds on hand to pay, you will have to wait the action of Congress without doubt.

No answer by Mr. Blackburn to this letter is forwarded with the papers, but, as he went on feeding the Indians, it may be supposed that he undertook to feed them at the contract rates; commencing on the 1st of June, as appears by the vouchers transmitted, and continued to feed them until the 10th of October, 1868, 132 days, in which time he claims to have furnished the Indians with—

276,000 pounds of beef in June.  
 198,722 pounds of beef in July.  
 268,000 pounds of beef in August.  
 67,000 pounds of beef in September.

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809,722 pounds, or 6,135 pounds per day.

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370,000 pounds of meal in June.  
 265,000 pounds of meal in July.  
 360,000 pounds of meal in August.

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995,000 pounds, or 7,545 pounds per day.

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2,400 quarts of salt in June.  
 1,500 quarts of salt in July.  
 2,000 quarts of salt in August.

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5,900 quarts, or 450 quarts per day.

Estimating the number of Indians at 3,600, as appears from the official report, we have for each man, woman, and child a ration, daily, of  $1\frac{3}{4}$  pounds of beef,  $2\frac{1}{10}$  pounds of meal, 1 gill of salt, at a cost of nearly 30 cents, or \$1,000 per day, to feed these Indians during the summer months.

The committee have made these calculations from the statistics furnished in this case and bring them to the attention of Congress, in order that it may appear what is claimed to be an economical expenditure for the feeding of Indians on beef, corn-meal, and salt, at cost of the United States; and they have taken this case for an illustration, because all the statistics furnished us are verified upon honor by the Indian agent, and because

all officers of the United States in charge there certify to the entire good faith of the transaction, and that certificate is further verified by the Indian Commissioner in his letter to the Secretary of the Interior, who is again vouched for by the Secretary.

With so many guarantees on paper, as to the good faith of this transaction, it would seem to be improper for the committee to doubt that at least the amount of food was furnished which is claimed, whether the price is correct or not. The amount certainly exhibits great power of digestion and appetite on the part of the Indians during the summer months, to say nothing of a remarkable fondness for salt.

It is but just to Mr. Blackburn to state that he frankly says, as to the price, that he would have made it much lower if he could have been assured the money would be paid as soon as he furnished the articles, but that he took the old contract price, which was large, because he was told he would have to wait an indefinite time to get his money by the action of Congress.

This illustrates another loss the government sustains by these unauthorized expenditures, made with the expectation, on the part of the person furnishing the supplies, of being obliged to wait for an appropriation from which to get his pay. He must, and does, charge such an excess over and above the fair worth of supplies, that this mode of carrying on the Indian contracts under it costs the government a most enormous rate of interest for money. This furnishes another reason why this unauthorized mode of supplying the Indians, and doing other government work, should be made to cease. There is no evidence before the committee, showing that Mr. Blackburn did not furnish the amount of beef, meal, and salt, which he claims, allowance being made for the inaccurate mode of getting at the weight of the beef; but the committee are quite sure such an amount never came to the use of the Indians.

In the south a careful planter before the war gave to his able-bodied working hand a barrel of pork per annum and a peck of meal per week, or its equivalent, and that, too, when he had an interest in preserving his strength and efficiency, equivalent to a little more than half a pound of meat and a quart of meal per day; whereas these Indians, men, women, and children, are supposed to have eaten each per day  $1\frac{3}{4}$  pound of beef and  $2\frac{1}{16}$  pounds of meal, besides all they could supply themselves by hunting, and the depredations of which the complaint is made.

Your committee have thus carefully examined this claim and made report in this case because they desire to call the attention of Congress to this class and manner of expenditures, and by putting an efficient warning to all parties contracting with the government on the statutes book in the future, prevent either wrong being done to the government so far as they may, or allowing contractors or others doing business for the government to involve themselves with the expectation of relief from Congress either in the shape of deficiencies or allowances thereafter.

The committee therefore ask leave to be discharged from further examination of this claim as a deficiency of appropriation; but as there has been some service done the United States by the claimant, although under no contract, but a reliance upon the government, that so much as is just and equitable for the same would be paid, the committee suggest that the claim be referred to the Second Comptroller of the Treasury to state a just and true account of what is justly due for the service rendered, and to report thereon to the next Congress; and beg leave further to submit the accompanying joint resolution.