

ROLLIN J. REEVES.

JANUARY 31, 1879.—Committed to the Committee of the Whole House and ordered to be printed.

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

REPORT :

[To accompany bill H. R. 1729.]

The Committee on Indian Affairs, to whom was referred the bill (H. R. 1729) for the relief of Rollin J. Reeves, have had the same under consideration, and make the following report :

In 1877 claimant, Rollin J. Reeves, was appointed by the Secretary of the Interior to survey and establish the boundary line between the Territories of Wyoming and Dakota. This boundary passed through the "Black Hills," and through a part of what had recently been a Sioux Indian reservation. It was generally known at the time that this was a dangerous section, on account of hostile and roving bands of Indians from the various agencies near; Red Cloud and Spotted Tail Agencies, were both near by. Mr. Reeves seems to have been unwilling to proceed at once to the execution of this work on account of these dangers, and asked to be allowed to wait until the coming fall or spring, hoping that by that time order would be restored in this region, and these marauding bands broken up, and so expressed himself to the Commissioner of the General Land Office. But at the time there was great confusion along this line, arising from the uncertainty of the extent of jurisdiction of the two Territories. Miners having claims along this line could take no satisfactory steps in securing titles to their claims, since they were uncertain whether to proceed under the laws of Wyoming or Dakota. Questions of jurisdiction were many and important. The miners were quarreling among themselves, and, in view of the difficulties likely to arise, it was very important that the jurisdiction of the two Territories should be settled, which could only be done by a survey and location of the line between them. The Secretary of the Interior was anxious that the work should be done at once, so as that the threatened trouble should be avoided, and the citizens were clamoring for a survey and were urging immediate action. The governors of the two Territories were also urging a speedy survey. On the condition, therefore, that he should be protected from these marauding bands, Mr. Reeves agreed to begin the work immediately.

Upon the request of the Secretary of the Interior, the Secretary of War, and at the personal solicitation of Mr. Reeves, directed that "an ample military escort" should be detailed to accompany and remain with the surveying party during the execution of the work in the field; and, in obedience to this order, the commanding officer of the depart-

ment in which the surveying party was organized, and partly in which the survey lies, directed that one commissioned officer and twenty enlisted men should be detailed for the purpose specified.

Claimant protested against going upon the reservation with so small a force, but his protestations were unavailing, and he undertook the work. The work progressed without any encounter with Indians up to the 21st of July. One hundred and twenty-six miles of the boundary had been run and completed on the 20th of July, leaving only about twelve miles to run, which would have been completed in two or three days more. But on the 21st of July, while a part of the military force were in the field with the surveying party, and a party at the camp in charge of the wagons, goods, chattels, and provisions, surveying instruments, wearing apparel, medicines, &c., belonging to the surveying party, the two parties being some seven or eight miles apart, the latter party, numbering only ten soldiers, were attacked by a band of Indians, numbering from seventy-five to one hundred, under *Lame Deer*, and were able only to make a feeble resistance to so large a number of Indians. As a consequence of this small number sent out as an escort, and as a protection to Mr. Reeves and his party, the soldiers were compelled to abandon the property and flee for their lives, and the Indians captured everything except the wagons, which they did not take time to haul off. It seems from the evidence that they captured and carried away or destroyed all the supplies of the surveyors, the rations of the soldiers, all wearing apparel, all the tents, seventeen mules (one of which belonged to Reeves), surveying instruments, field-notes, blankets, &c. A list of articles lost is filed with the papers, also a published price-list of such articles at the time, showing the reasonableness of the charges, amounting in all to \$803.37.

Mr. Reeves also claims that he and his men, fifteen in number, were, in consequence of this attack, and the insufficiency of the escort to resist the attack, compelled to remain idle for ten days at his expense, which amounted to \$400, and for this he claims indemnity.

The only real question is, should the government be held responsible for its failure to furnish a sufficient and ample escort? It is clear that the escort was not ample. It is also clear that an ample escort for protection was promised by the Secretary of War. It is also clear that in consequence of this failure Mr. Reeves sustained the losses for which he claims reparation.

Your committee are well satisfied that the claim is a just one, and that the government is in duty bound to pay it. We, therefore, report the bill back to the House, with the recommendation that it pass.

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