

JOHN PHILLIPS.

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JUNE 9, 1876.—Laid on the table and ordered to be printed.

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

REPORT:

The claimant, John Phillips, alleges that he was a Government contractor for supplying wood at Fort Fetterman, Wyoming Territory, and that, on the 6th day of October, 1872, he was engaged in fulfilling his said contract, when, about the hour of two o'clock p. m., his train was attacked and his teams driven off and stolen by about eighty-five Indians, whom he supposed to belong to the Sioux and Cheyenne Indians. That every effort was made to prevent the seizure by firing into the Indians, but was unsuccessful, and that it was not deemed safe to follow them on foot.

The claimant's statement is made on oath before Lient. Robert F. Warren, judge-advocate of general court-martial, as to the loss of the stock and as to the value. And then there are two other affidavits before the same officer as to the depredation, but nothing more as to the value. To this is appended a certificate of several Army officers confirming the depredation, but silent as to the number and value of stock. Claimant values his stock (and as to this he is the only witness) at \$2,785, and claims consequential damages, by reason of said depredation, to the amount of \$3,000, aggregating in all the sum of \$5,785.

By the 7th section of the act of Congress making appropriations for the Indian Department, approved May 25, 1872, it is enacted "That it shall be the duty of the Secretary of the Interior to prepare and publish such rules and regulations as he may deem necessary, prescribing the manner of presenting claims arising under existing laws or treaty stipulations for compensation for depredations committed by the Indians, and the degree and character of the evidence necessary to support such claims; he shall carefully investigate all such claims in accordance with such rules and report to Congress at each session the nature, character, and amount of such claims, whether allowed by him or not, and the evidence upon which his action was based, and that no payment on account of said claims shall be made without a specific appropriation by Congress."

The Secretary has made and published the rules, and they are just such as the nature of the case and justice to the Government and the Indians, as well as to the claimant, demanded.

These rules have not been complied with by claimant in any essential particular.

1. There is no sworn affidavit before any person who by law was qualified to administer an oath.

2. There is no evidence that the Indians charged committed the offense; the claimant in his affidavit only says he supposed that they belonged to the tribes charged, and the Commissioner of Indian Affairs, who recommends a part payment of the claim, says, in his letter to the Secretary of the Interior, that these Indians in council denied the whole thing.

3. There has been no such application to the superintendent, or Indian agent, or subagent who had charge of these Indians, by the claimant as is prescribed.

4. There has been no such investigation by agents as is required; and without particularizing further, let it suffice to say that no case is made out; and they are unable to see by what process of reasoning and regulation as prescribed the Commissioner of Indian Affairs recommended anything.

By the law as it now exists the Government has relieved itself from all liability for any of these claims, and if allowed at all, that they must be paid out of annuities belonging to offending Indians, and then only by a special appropriation and after a strict compliance with the rules laid down by the Secretary of the Interior.

For the failure in all these particulars the Committee on Indian Affairs report the bill back to the House with an adverse report.