

HUGO WEDELES.

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MARCH 29, 1888.—Committed to the Committee of the Whole House and ordered to be printed.

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Mr. SYMES, from the Select Committee on Indian Depredation Claims, submitted the following

REPORT:

[To accompany bill H. R. 4568.]

*The Select Committee on Indian Depredation Claims, to whom was referred the petition of Hugo Wedeles for the payment of \$6,150 out of the annuity money due the Arapahoe tribe of Indians, respectfully submit the following report:*

This claim was transmitted to the Court of Claims at the first session of the Forty-eighth Congress, under the provision of the Bowman act. (Approved March 3, 1883.)

The Court of Claims found the facts in the case and transmitted the findings to Congress at the present session.

Your committee, on consideration of said findings of fact, adopt the same, and it is hereto attached, marked Exhibit A, and made a part of this report.

At the date the depredation was committed and acknowledged and satisfaction demanded of the Indians by the agents of the Government, the Arapahoe tribe of Indians was in receipt, and continues to be in receipt, of an annuity of \$40,000 per annum, under the provisions of the treaties of October 14, 1865 (14 Stats., p. 703), and October 28, 1867 (15 Stats., p. 593), and shown by the annual appropriation bills since that date. (See U. S. Stats. at Large, vol. 20, pp. 67 and 298.)

Section 8, act of February 28, 1859 (11 Stats., p. 401), and section 17, act of June 30, 1834, in force at the date of said depredation, provide that "if the nation or tribe to which such Indian may belong receive an annuity from the United States, such claim shall, at the next payment of the annuity, be deducted therefrom and paid to the party injured," and the United States guaranty in the same section an eventual indemnification to the party injured out of the annuity due the Indians.

Article V of the treaty between the Arapahoe Indians and the United States (15 Stats., 593) provides:

In all cases of depredations on person or property, he (the Indian agent) shall cause the evidence to be taken in writing and forward, together with his findings, to the Commissioner of Indian Affairs, whose decision, subject to the revision of the Secretary of the Interior, shall be binding on the parties to this treaty.

It appears that the law has been fully complied with by the claimant, and that he is entitled, under the solemn compact and guaranty contained in the law and treaty to payment out of the annuity to these Indians, the sum of \$6,150, in accordance with the findings of the court.

Your committee, therefore, recommend the passage of the accompanying bill.

## EXHIBIT A.

[In the Court of Claims, Hugo Wedeles v. The United States, No. 112 Congressional.]

At a Court of Claims held in the city of Washington, on the 25th day of January, A. D. 1886.

In the cause aforesaid the court filed findings of fact and it was ordered that a copy of said findings be transmitted to the Committee on Claims of the House of Representatives.

BY THE COURT.

[Court of Claims, Congressional case No. 112, Hugo Wedeles v. The United States.]

## FINDINGS OF FACT.

The claim in the above-entitled suit having been transmitted to this court by the Committee on Claims of the House of Representatives on the 23d day of May, 1884, and the Attorney-General having appeared for the defendants, and the suit having been brought to a hearing on the 20th day of January, 1886, the court, upon the proof and evidence and after hearing W. A. Coulter, esq., of counsel for the claimant, and Heber J. May, esq., of counsel for the defendants, finds the following facts:

## I.

The following are copies of papers transmitted by the Secretary of the Interior showing the action of his Department upon the claim:

STATE OF KANSAS, *County of Davis*:

*To the Agent of the Arapahoe Indians (Hon. E. W. Wynkoop):*

Your petitioner, Hugo Wedeles, a loyal citizen of the United States, resident in the county of Mora in the Territory of New Mexico, would respectfully state to you that on the 20th day of February, 1867, he started under the care of Owen Gilchrist, as wagon-master, with two wagons, forty mules, and one bell-mare for the State of Kansas, at a place called Junction City, in order to return with goods, wares, and merchandise. Your petitioner would further state that said mules were his property, and said bell-mare, and worth at that time and place when taken, in cash, each the sum of \$200, being picked mules, in good condition and well broken to harness. Your petitioner would further state that while said wagons and mules were on the journey to the States, and in camp at a point on the road to the States about 15 miles above the Aubrey mail-station, on the Arkansas River in the State of Kansas, about 10 o'clock at night, March 9, 1867, a party of Arapahoes, about six in number, stampeded, took, and drove away said forty mules and one mare belonging to him; said tribe of Indians then and there being in amity with the United States and in the receipt of annuities from the United States. Your petitioner would further state that on the 11th day of March, 1867, notice was given to the commander of the post of Fort Dodge, Kans., of said loss, but nothing has been done to recapture said property known to your petitioner. Your petitioner would further state that he has never obtained any payment or satisfaction for said property so taken from said tribe of Indians, nor from any other source. Your petitioner further states that he has never, by himself, agent, or attorney, sought or attempted to obtain any private satisfaction or revenge of said tribe of Indians for or on account of said loss. Your petitioner would state that he submits herewith the proof of said loss, and asks that such steps may be taken in the premises as is provided by the acts of Congress for the payment of such losses. All of which is respectfully submitted to you.

HUGO WEDELES,  
By JOHN S. WATTS,  
*His Attorney at Law.*

STATE OF KANSAS, *County of Davis*:

I, Sigmund Wedeles, attorney in fact of Hugo Wedeles, upon my oath state that the matters and things in the above petition stated and set forth, so far as stated from my own knowledge, are true in substance and in fact; and so far as stated from the information of others, he believes them to be true.

SIGMUND WEDELES.

Subscribed and sworn to before me this 27th March, 1867.

E. W. WYNKOOP,  
*United States Indian Agent for Arapaho, Cheyenne, and Apache Indians.*

STATE OF KANSAS, *County of Davis :*

I, Owen Gilchrist, wagon-master of Hugo Wedeles, a resident of Mora, New Mexico, upon my oath, state that on the 9th of March, 1867, forty mules, of the value of \$200 each, and one mare, of the value of \$200, belonging to Hugo Wedeles, were taken from him on the Arkansas, at a point in the State of Kansas about 15 miles west of Aubrey Station, on the road from Mora, New Mexico, to Junction City, Kansas, at about 10 o'clock at night by a party of six Arapaho Indians. This affiant further states that said Indians were at his camp the night previous, professed to be friendly, and were given supper and breakfast by him, and on the next night stole, ran off, and stampeded said animals, of which notice was given on the 11th March, 1867, to the commander of the post of Fort Dodge; but none of said property has been recaptured, nor was any effort made to do so by the troops at said post. This affiant would further state that all of such mules and said mare were branded with H. W. on the shoulder, and then with the additional brand of M. K. on the hip; and no attempt was made to obtain any private satisfaction or revenge for or on account of said loss, nor have any of said animals been recaptured. This affiant further states that he knows said Indians were Arapaho Indians, from their own statements, and from the fact that for the last fourteen years he has been passing almost monthly through the Indian country of the Arapaho Indians as hand and conductor of the Santa Fé stage, and as wagon-master. Said affiant further states that he is not related to said claimant, and has no interest in this claim; and further saith not.

OWEN GILCHRIST.

Subscribed and sworn to before me this 27th day of March, 1867.

E. W. WYNKOOP,  
*United States Indian Agent for Arapaho, Cheyenne, and Apache Indians.*

UPPER ARKANSAS AGENCY, *February 1, 1868.*

I certify that Little Raven, head chief of the Arapaho Indians, did acknowledge to me that the depredation set forth in the within claim was committed by a portion of his tribe at the time and place stated.

E. W. WYNKOOP,  
*United States Indian Agent.*

OFFICE SUPERINTENDENT INDIAN AFFAIRS,  
*Atchison, February 12, 1868.*

SIR: I have the honor herewith to transmit a letter from Agent Wynkoop, of the 1st instant, inclosing the claim of Hugo Wedeles for depredations alleged to have been committed by a band of Arapaho Indians. Little Raven, head chief of the Arapahoes, informed the Indian peace commissioners at Medicine Lodge Creek that a portion of his young men and the Cheyennes took these mules.

THOS. MURPHY,  
*Superintendent Indian Affairs.*

HON. N. G. TAYLOR,  
*Commissioner, Washington, D. C.*

OFFICE CHEYENNE AND ARAPAH0 AGENCY,  
*Indian Territory, Second Month 10th, 1872.*

ENOCH HOAG,  
*Superintendent Indian Affairs :*

The inclosed claim of Hugo Wedeles for a depredation alleged to have been committed by Arapaho Indians, was submitted to the chiefs and headmen of that tribe in council for investigation, and satisfaction therefor demanded. After a careful explanation of the facts pertaining to the claim, the Arapahoes acknowledge to having committed the depredations as set forth. From all the facts in this case, I believe the acknowledgment to be just.

Respectfully,

BRINTON DARLINGTON,  
*United States Indian Agent, Cheyennes and Arapahoes.*

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
*Washington, D. C., June 3, 1872.*

SIR: I have the honor to submit herewith a claim of Hugo Wedeles against the Arapahoe tribe of Indians for the value of forty mules and a mare, stolen from him by Indians of said tribe on the 19th March, 1867, amounting to \$8,200.

The claim was first presented to this office by E. W. Wynkoop, United States agent for the Cheyennes and Arapahoes, on the 13th April, 1867. It was sent on the 16th

May following to T. Murphy, superintendent Indian affairs for the central superintendency, to be presented to the Indians, as required by law. In consequence of military operations against the tribe named the agent was not able to comply with the directions given him in the matter. On the 12th February, 1868, Superintendent Murphy returned the claim, with a letter from Agent Wynkoop, and also a certificate by the agent to the effect that Little Raven, head chief of the Arapahoes, acknowledged to him (Wynkoop) that the depredation was committed by a portion of the Arapahoe tribe, and Superintendent Murphy, in his letter returning the claim, remarks that "Little Raven, head chief of the Arapahoes, informed the Indian peace commissioners at Medicine Lodge Creek that a portion of his young men and the Cheyennes took these mules." The admission of the act made in this way was not, however, considered by the Department a strict compliance with the law in the respect referred to, and on the 22d of January, 1870, the papers were transmitted to E. Hoag, the present superintendent of Indian affairs, with proper directions. Mr. Hoag, on the 10th February last, returned the claim, with a report of Agent Darlington, who says that after a careful explanation of the facts appertaining to the case the Arapahoes in council acknowledged the depredation as set forth.

The testimony in the case consists of the sworn statement of the claimant, S. Wedeles and Owen Gilchrist, and in my judgment establishes the fact of the depredation as charged. That the price fixed upon the property stolen is fair and just may be questioned. I think \$150 for each mule, and also \$150 for "bell mare," would be a reasonable and proper allowance, and I accordingly recommend that the claim be allowed upon that basis in the sum of \$6,150.

Very respectfully, your obedient servant,

F. A. WALKER,  
*Commissioner.*

Hon. C. DELANO,  
*Secretary of the Interior.*

DEPARTMENT OF THE INTERIOR,  
Washington, January 8, 1874

Hon. JAMES G. BLAINE,  
*Speaker of the House of Representatives:*

SIR: The accompanying claim of Hugo Wedeles for a depredation committed upon his property in February, 1867, by Arapaho Indians is submitted to Congress, as required by the seventh section of the act approved 29th May, 1872, entitled "An act making appropriations for the current and contingent expenses of the Indian Department, etc." (Pamphlet Laws, second session Forty-second Congress, p. 190).

The amount claimed is \$8,200.

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

B. R. COWAN,  
*Acting Secretary.*

### III.

The claimant offered no evidence in support of the alleged facts set out or referred to in said documents, but relied wholly upon the action of the Department to sustain the same; and the defendant offered no evidence to impeach such action.

Ordered that the clerk of the court transmit to the Committee of Claims of the House of Representatives the foregoing findings of fact.

BY THE COURT.

A true transcript record.

Test, this first day of February, A. D. 1886.

JOHN RANDOLPH,  
*Assistant Clerk, Court of Claims.*