

H. L. NEWMAN.

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APRIL 17, 1888.—Committed to the Committee of the Whole House and ordered to be printed.

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

### REPORT :

[To accompany bill H. R. 766.]

*The Select Committee on Indian Depredation Claims, to whom was referred the bill (H. R. 766) for the relief of H. L. Newman, having had the same under consideration, respectfully submit the following report thereon :*

This claim has been favorably reported by the Interior Department; it was also favorably reported by the Committee on Indian Affairs in the Forty-ninth Congress, report No. 2885 (to accompany H. R. 9476), which report your committee find correct and according to the facts, and hereby adopt as a part hereof.

Your committee therefore recommend the passage of the bill.

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[House Report No. 2885, Forty-ninth Congress, first session.]

*The Committee on Indian Affairs, to whom was referred the bill (H. R. 9476) for the relief of George Maxwell, F. C. Bulkley, and H. L. Newman, for depredations committed by the Cheyenne, Arapahoe, Kiowa, and Comanche tribes of Indians, respectfully submit the following report :*

The claim of the said George Maxwell was referred to the Committee on Indian Affairs during the first session of the Forty-eighth Congress, and after investigation was favorably reported, the committee finding that the depredations committed by the Cheyenne and Arapahoe Indians upon the property of the said claimant amounted to the sum of \$9,450, and your committee therefore adopt said report, a portion of which is as follows :

The claimant, George Maxwell, on October 17, 1868, filed his demand, properly verified, before the Commissioner of Indian Affairs, against the Government of the United States, for the sum of \$13,100, in which demand claimant alleged that on August 19, 1868, he was in the employ of the Government of the United States, freighting Government goods to Fort Union, N. Mex., and that at a point on the Arkansas River known as Cimarron Crossing his train was attacked by a large band of Cheyenne Indians. He shows by his said complaint that said Indians took from him by force at said time fifty-two head of mules of the value of \$200 each, and ten head of mules of the value of \$250 each, and one horse of the value of \$200, aggregating \$13,000. It appears that afterward, to wit, on March 20, 1869, said claimant filed a supplement,

or rather an amended complaint, in which he avers that said Indians, on said occasion, stole and drove off from him as follows :

Sixty-two head of mules, at \$209.03½ each .....	\$12,960.06½
One horse of the value of.....	200.00
Three saddles of the value of \$18 each.....	54.00
Three bridles and picket ropes, worth .....	15.00
Wages and board of 12 hands for two months guarding train.....	1,200.00
Loss from proceeds of said train for two months .....	3,200.00
<b>Total.....</b>	<b>17,629.06½</b>

It also appears from the affidavits on file with this claim that claimant and several other witnesses testify directly and positively that said depredation was actually committed, and claimant and several witnesses, to wit, Charles Blanchard, Martin Baca, José Sait, and Urbane Garcia, testify that the number of mules taken were sixty-two, and one horse; that the mules were worth from \$200 to \$225 each. Claimant alone testifies that the horse was worth \$200. Claimant and several witnesses testify to the two months' hire and board of twelve hands, and that it was worth the sum of \$1,200. Claimant alone testifies to the loss on train for two months of \$3,200. It also appears from the letter of the Hon. B. Darlington, United States Indian agent of said Indians, of date February 2, 1871, addressed to the Hon. Enoch Hoag, the then superintendent of Indian affairs, that said Indians, in council assembled, admitted the depredation alleged by claimant, and that as such agent he demanded satisfaction of said Indians therefor. Said agent in said letter further says that said claim is just, and ought to be paid.

From all of which your committee, after a careful investigation, are of the opinion that the depredation was actually committed as alleged, and that said Indians took from the person of claimant, by force, the number of mules alleged, and one horse, but that claimant and all of his witnesses overestimate the value of the mules and the horse, and that \$150 each for the mules and \$150 for the horse would be a fair and just value thereof; and that George Maxwell ought to recover for said property the aggregate sum of \$9,450 (see also report of Commissioner of Indian Affairs, page 42. Cases submitted to Congress under the act of March 3, 1885).

Your committee therefore recommend that the sum of \$9,450, as stated in said bill, may be allowed and passed.

Your committee find the following facts in relation to the claim of the said F. C. Bulkley for depredations committed by the Kiowa and Comanche tribes of Indians, amounting to the sum of \$10,075, as stated in the said bill :

In 1870 F. C. Bulkley, the claimant, had a contract to furnish fresh beef for the Indians at Fort Sill, Ind. T. Mr. Bulkley received orders to have his cattle all at Fort Sill on or before June 30, 1870, so that the Subsistence Department of the Army could close the contract and turn the subsistence of the Indians over to the Interior Department July 1, 1870. In pursuance of that order, Mr. Bulkley proceeded to Texas, the nearest cattle market, and bought a large number of cattle; among the number, the evidence shows, he bought of C. P. Hamilton 823 head of cattle and 16 horses. He bought of W. R. Baker 400 head of cattle; of S. N. Wood 237 head. These cattle and horses were delivered to Mr. Bulkley on the north side of Red River, in the Indian Territory, the parties agreeing, however, to drive the said stock to Fort Sill at the risk of the said Bulkley. Mr. Baker and Mr. Wood, for protection and convenience in driving, united their herds. The evidence shows that when in camp, about 10 miles from Red River, June 24, 1870, some ten or twelve Kiowa Indians attacked their herd, fired upon their herders, and stole and drove away "205 head of cattle"; of these, 138 head were bought of W. R. Baker and 67 head of S. N. Wood.

The evidence also shows that some thirty Kiowa Indians attacked the herd of C. P. Hamilton June 16, 1870; that one man was killed, the cattle were stampeded, 16 horses were driven off, 139 head of cattle were entirely lost; 5 more were so badly injured that they died. The affidavits show that every effort possible was made to collect the cattle belonging to all of these herds, but the actual loss was as above stated. Among the papers is a letter from Hon. Ed. F. Smith, Commissioner of Indian Affairs, in which he states that this claim was presented to the Indians in council; that they admitted the depredations, but refused to make reparation. The Commissioner estimates Mr. Bulkley's actual loss at \$10,075. (See also Report of Commissioner of Indian Affairs, p. 58. Cases submitted to Congress under the act of March 3, 1885.)

Your committee therefore recommend that the sum of \$10,075, as stated in said bill, may be allowed and passed.

In the case of the said H. L. Newman, your committee, after a careful consideration of the evidence submitted, find that the claimant, under a contract with the United States during the month of June, 1865, was in charge of a cattle train belonging to him, loaded with supplies belonging to the Government of the United States, and

which was under an escort commanded by Capt. Lewis Felsenthal, with a detachment of United States troops, and that when said train was near Fort Dodge, Kans., it was attacked by a band of Kiowa Indians and 46 head of the work oxen, used in hauling the wagons of said train, were captured and driven off by Indians without the fault or negligence of the claimant, resulting in a total loss to him of \$3,450, being the value thereof at \$75 per head, the sum paid by the claimant for said cattle.

The claim was very thoroughly examined by the board of commissioners of the State of Kansas, duly appointed for the investigation of claims of this class of the citizens of said State, who reported that it had duly considered the claim and believed it to be just, and that it should be paid in full. (See also Report of Commissioner of Indian Affairs, p. 214. Cases submitted to Congress under the act of March 3, 1885.)

Your committee, after a thorough examination of the evidence, concur in the conclusions reached by said commission, and recommend that the said sum of \$3,450 be paid to the said H. L. Newman, as stated in the accompanying bill.

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