

JAMES BAINTER.

SEPTEMBER 14, 1888.—Committed to the Committee of the Whole House and ordered to be printed.

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

REPORT:

[To accompany bill H. R. 3831.]

The select Committee on Indian Depredation Claims, to whom was referred the bill (H. R. 3831) for the relief of James Bainter, having considered the same, submit the following report:

It appears that this claim, by a bill like the one under consideration, was before the Committee on Indian Affairs of the Forty-eighth and also the Forty-ninth Congress, and was favorably considered by that committee in both said Congresses. After a careful examination of the case your committee adopt the report of the Committee on Indian Affairs of the Forty-ninth Congress as their own, and, for the reasons therein set out, recommend the passage of the above entitled bill.

[House Report No. 3193, Forty-ninth Congress, first session.]

The Committee on Indian Affairs, to whom was referred the bill (H. R. 1417) for the relief of James Bainter, having considered the same, respectfully report:

That James Bainter, while a settler on the frontiers of the now State of Nebraska, in the month of August, 1864, was raided by a band of hostile Cheyenne and Sioux Indians and driven from his home. That he resisted the attack until overpowered, and then barely escaped with his life. That the same Indians then stole or destroyed all the property that he had, valued by him at the sum of \$5,872.50, and that he has never recovered the same back or received pay for the same or any part thereof.

The facts as above stated are established by the evidence of claimant himself, James Bainter, by James Douglass, William P. Hess, Edmund H. Uhlig, Charles N. Emory, and Andrew J. Hammond, all disinterested witnesses, testifying from personal knowledge obtained on the ground at the time. His statement is further sustained by the evidence of John W. Howell and W. H. Lunt, who testify that they knew the raid was made by the Indians named as stated, and that from their general knowledge they believe that Bainter sustained the loss complained of.

The claim is further supported by the admissions of the Indians charged with the depredation, as certified to by V. T. McGillycuddy, agent at the Pine Ridge Indian Agency, Dakota, where the same Sioux are in reservation, and also by the statement of United States Indian Agent John D. Miles, of the Cheyenne Agency, to the same effect.

The claim of Bainter has been before the Commissioner of Indian Affairs, and its allowance to the amount of \$4,432.50 recommended by that officer, and such recommendation concurred in by the Secretary of the Interior.

The Representative from the claimant's district has been before the committee, and urged the allowance of the claim at its full amount.

In view of the recommendations of the Interior Department, the committee do not feel warranted in reporting for a larger amount than \$4,432.50.

The committee recommend that the bill be amended by striking out the words "five thousand eight hundred and seventy-two dollars and fifty cents," where same occurs in lines 8 and 9 of the bill, and inserting in lieu thereof the words "four thousand four hundred and thirty-two dollars and fifty cents."

As the present Commissioner of Indian Affairs makes objection to the allowance of this claim on account of the statute of limitations, your committee recommend that the bill be amended in line 12, after the words "sixty-four," by the addition of the following proviso: "*Provided*, That the statute of limitations shall not apply to this case."

The report of the Secretary of the Interior on this case, stating that of the Commissioner of Indian Affairs, is hereto attached, marked Exhibit A, and made a part of this report.

EXHIBIT A.

DEPARTMENT OF THE INTERIOR,
Washington, February 15, 1884.

SIR: In compliance with the first clause of section 445, Revised Statutes, I have the honor to transmit herewith the reports, papers, and evidence in the claim of James Bainter, of Nuckolls County, Nebr., for compensation on account of depredations alleged to have been committed by hostile Cheyenne and Sioux Indians, amounting to \$5,872.50, in 1864.

A report of the Commissioner of Indian Affairs, dated February 4, 1884, shows the nature, character, and amount of said claim, the evidence presented in support thereof, and the action taken by that officer under the rules and regulations prescribed by this Department, under section 466, Revised Statutes, for the investigation of such claims.

He recommends an allowance of \$4,432.50, in full payment of the claim, to be paid from funds belonging to Sioux of different tribes, including Santee Sioux of Nebraska.

I concur in the recommendation of the Commissioner.

Very respectfully,

M. L. JOSLYN,
Acting Secretary.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

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