

ROBERT WOODBRIDGE.

MARCH 19, 1890.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. BURTON, from the Committee on Claims, submitted the following

REPORT:

[To accompany H. R. 2238.]

The Committee on Claims, to whom the bill (H. R. 2238) for the relief of Robert Woodbridge was referred, have had the same under consideration and make the following report:

The committee finds that Robert Woodbridge was employed as clerk at the Fort Peck Indian Agency, in Montana, during the year 1883, and that on May 21, 1883, the said Robert Woodbridge was authorized, in accordance with the requirements of the Indian Office, to act as agent, by N. S. Porter, United States Indian agent at Fort Peck Agency, Montana, at that time. It appears that during the winter of 1882-'83 the agent at said agency had been troubled a great deal by whites and half-breeds trespassing upon the reservation.

These trespassers frequently stole horses from the Indians and the Indians stole from the trespassers. It further appears that in a great many instances the horses that were stolen by the Indians were returned to the owners and the owners notified to leave the reservation. This, it appears, was the case with certain half-breeds named Belgarde and Renville. These men claimed to have lost some horses, and came to the said agency in May, 1883, for them. Three or four horses were returned to them, and they were notified to leave the reservation. They were not satisfied, and went to Glendive, Mont. Ter., and swore out a warrant to search the reservation. The man who issued the warrant was a justice of the peace, and not a United States court commissioner. It appears that this warrant was placed in the hands of a deputy marshal named A. P. Ayott, who is accused of acting in collusion with Belgarde and Renville, with whom he went to the reservation to execute the warrant. On May 22, 1883, the claimant sent the following telegram to the Commissioner of Indian Affairs, viz:

Has United States marshal authority to search reservation for horses stolen by Indians from half-breeds who are trespassers on the reservation?

The Acting Commissioner of Indian Affairs telegraphed back on May 23, 1883:

Marshal has no right to search reservation for horses stolen from half-breeds while intruding on reservation.

Upon receiving that telegram the claimant, as acting Indian agent, ordered the deputy marshal to cease searching the reservation for the horses. Thereupon this said A. P. Ayott appeared before the grand jury of the June, 1883, term of the district court for the first judicial

district of Montana, and upon his evidence the said Robert Woodbridge had two indictments returned against him for receiving and concealing stolen horses; he was placed under \$2,000 bond to appear at court and answer said indictments. He was tried on October 25, 1883, and acquitted. The claimant was compelled to pay his traveling expenses to attend court and employ attorneys.

On February 2, 1884, the Secretary of the Interior granted authority for the settlement of claim in favor of said Robert Woodbridge to the amount of \$174.57, which was the amount of his traveling expenses, declining to approve his claim of \$250 for attorneys fees; but the claim for traveling expenses was disallowed by the accounting officers of the Treasury on the ground that there was no statute under which bills of expenses incurred by individuals in traveling to attend court are allowable except where the prisoner is in the custody of a public officer.

After a careful investigation the committee are of the opinion that there is a just basis for Woodbridge's claim, and that at least his traveling expenses should be paid. They therefore recommend that the said bill do pass with the following amendment, viz: Strike out the words "four hundred and twenty-four dollars and fifty-seven cents" and insert the following words: "one hundred and seventy-four dollars and fifty-seven cents."