

J. G. FELL, EDWARD HOOPES, AND GEORGE BURNHAM.

MARCH 26, 1890.—Committed to the Committee of the Whole House and ordered to be printed.

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

REPORT:

[To accompany H. R. 2084.]

The Committee on Indian Affairs, to whom was referred the bill (H. R. 2084) for the relief of J. G. Fell, Edward Hoopes, and George Burnham, having had the same under consideration, report as follows:

This is a claim of some years' standing. The memorialists, men of good repute, of Philadelphia, show by numerous affidavits of persons of good character that they invested in the purchase of goods, supplies, machinery, wagon trains, and necessary outfit, and in the employment of men in the erection of buildings for store-rooms, business offices, dwelling-house, mining machinery, and material for said buildings, a certain sum of money. The memorialists likewise show that they had received assurances of protection to their enterprise in Arizona Territory from the military authority of the Government in that Territory before investing their money. Such assurance was contained in the following communication:

HEADQUARTERS DEPARTMENT OF NEW MEXICO.

Santa Fé, N. Mex., July 11, 1864.

MY DEAR SIR: In answer to your verbal question as to the safety of carrying on mining operations hereafter in Arizona, I will say I have already inaugurated a campaign against the Apache Indians that will result in their complete subjugation, and should you induce friends in the East to join you in erecting a quartz-mill in the newly-discovered gold regions near Fort Whipple, the enterprise will be fully protected by the military. I am well assured that building a quartz-mill there, and developing some one of the rich mines, will result in such benefit to the Government as to amply compensate for the protection given.

I have the honor to be, very respectfully,

JAMES H. CARLETON,
Brigadier-General, Commanding.

GEORGE H. VICKROY, Esq.

They further show that, on account of the failure of protection repeatedly promised, but never given, their mill, machinery, houses, wagons, and supplies were destroyed, and their stock captured and driven off by the Apache Indians in Arizona Territory, between August 1, 1865, and July 9, 1869.

They show that, in accordance with Rule 4, adopted by the Secretary of the Interior, under the act of May 29, 1872, and estimating the price of the property where destroyed instead of where purchased, in accordance with said rule, their losses would be greatly increased.

They further state that on the 2d day of January, 1873, they made application to the Interior Department for compensation for said losses, and after a thorough examination, the following reports were made:

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, D. C., January 7, 1873.

SIR: I have the honor to acknowledge the receipt, by reference from the Department on the 2d instant, of a letter from George H. Vickroy, dated 2d ultimo, submitting a claim of the Walnut Grove Mining Company of Arizona Territory, on account of depredations alleged to have been committed by Apache Indians at various times from August, 1865, to July 9, 1869, the loss being stated at \$292,800.

The papers in the case have been carefully examined in this office, and the conclusion that the claim is not without merit, is justified, it is thought, by the sworn statements of parties who were identified with the operations of the company as employes, and who were personally cognizant, in most instances, of the facts stated by them. What amount of loss the company actually sustained by the direct acts of the Indians is a question difficult of satisfactory reply or determination. The depredations were numerous, and the task of harmonizing the evidence of different parties as to the particular facts in each and every instance seems to be impracticable, especially with reference to the loss of mules or "animals." Some of the items in the claim, such as "stock of goods and provisions, \$32,000," are without the support of sufficient proof, and in others the valuation is manifestly excessive.

It will be seen by the testimony of G. H. Vickroy, the first superintendent of the company, that the outfit purchased by him, consisting of a 20-stamp quartz-mill, 40 horse-power engine, 26 wagons, 268 mules and harness, provisions, tools, etc., cost about \$77,000. With this amount much material apparently is procured. Referring to the schedule of property (accompanying the claim), which, it is alleged, was either captured or destroyed by the Indians, it will be observed that the item of "20-stamp quartz-mill burned is for the sum of \$118,000." A reasonable doubt arises as to this being the real value of that particular piece of property, for the presumption is that the machinery in the mill was the most important part of it, the cost of which may be estimated by taking Mr. Vickroy's statement as to the \$77,000 expended for quartz-mill and other property, and by allowing for cost of transportation. The charges for houses destroyed are regarded as exorbitant and without support of sufficient proof; and other charges, which should have been itemized, or an invoice of the same furnished, are deemed to be inadmissible, from the fact that they are not so itemized; in addition, they are not well sustained by proof.

I respectfully submit that the allegation of the depredations having been committed as set forth in the claim is sufficiently proved, and recommend that the case be submitted to Congress for its action.

In this connection it is proper to remark that, under the limitation provided in the seventeenth section of the law of June 30, 1834, in regard to claims for depredations by Indians, the claim under consideration, not having been presented within three years, is barred.

The letter of Mr. Vickroy and papers submitted by him are herewith returned.

Very respectfully, your obedient servant,

H. R. CLUM,
Acting Commissioner.

Hon. B. R. COWEN,
Acting Secretary of the Interior.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., January 14, 1873.

SIR: I have the honor to transmit herewith, as required by the seventh section of the act making appropriations for the Indian Department, approved May 29, 1872, the claim of the Walnut Grove Mining Company of Arizona, amounting to \$292,800, on account of depredations committed by Apache Indians between August 1, 1865, and July 9, 1869.

The seventeenth section of the trade and intercourse act of 30th of June, 1834, requires that application for compensation for depredations shall be made to the proper superintendent, agent, or subagent within three years after the commission of the injury, otherwise the claim shall be barred.

The peculiar condition of affairs in Arizona, it is alleged, prevented a compliance with the requirements of said section.

From an examination of the papers, this Department is satisfied that the claim possesses merit, and it is respectfully submitted with the recommendation that it receive the favorable consideration of Congress.

Very respectfully, etc.,

B. R. COWEN,
Acting Secretary.

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

The act of June 30, 1834, referred to by the Secretary of the Interior in his report, requires that application for indemnity shall be presented to the superintendent, Indian agent, or subagent within whose jurisdiction the tribe committing the depredations belongs, and the reference in said report that the peculiar condition of affairs in Arizona prevented a compliance with the requirements of said law means, as stated by the memorialists, under oath, that there was no officer in Arizona before whom their claims could have been presented within the specified time; and the law of May 29, 1872, provides that the Secretary of the Interior shall prepare and publish rules and regulations for the presentation of claims; and the Secretary did not promulgate rules in pursuance of said law until July 13, 1872. Therefore, there being no officer in Arizona to whom the claim could be presented within the time specified, before the passage of the act of May 29, 1872, and the claim having been presented January 2, 1873, and the Secretary not having promulgated the rules until July 13, 1872, your committee submits that the claimants can not be considered in laches.

Your committee calls the attention of Congress to the fact that at the time this enterprise was undertaken the Territory of Arizona had been recently organized, and the great desire and anxiety of the inhabitants of the sparsely-settled country and of the officers of the Territory, civil and military, was expressed in its favor; that the mines were known to be fabulously rich, and, as it was confidently believed, that the introduction and successful prosecution of such an enterprise would induce a large emigration, rapid growth, and development of the country. And your committee calls the attention of Congress to the fact that at this time the Territory was under martial law; that General Carleton, then in command, exercised supreme control over that whole country, and was the recognized authority there. He made war and peace with Indian tribes, built military posts and forts, and carried on the whole machinery of the civil and military government, and every act of his was indorsed and approved by the General Government, and while thus exercising supreme control he announced officially that he had inaugurated a campaign against the Apache Indians that would result in their complete subjugation, and this enterprise should be fully protected by the military; and they made this large expenditure of money, and went to Arizona to prosecute this great enterprise at the invitation of the Territorial government, and with this guaranty of protection. But instead of protecting this large property, as he promised to do, and which he had a perfect right to do, and should have done, the Indians were permitted to kill the employés and to destroy the property.

Your committee, after a careful examination of the various items and the gross amount claimed, believe and state that they are fully sustained by the proof, all statements pertaining to them being made under oath, and made by persons cognizant and living witnesses of the facts stated by them; that the proof of items reported by the Commissioner as insufficient has subsequently been supplied, so that your committee are

satisfied that the proof of the losses sustained is ample; but after the expenditure of the \$77,000, as shown by Mr. Vickroy, it must have become evident by the failure of the military authorities to furnish troops that the company would not have the military protection that had been guaranteed, and all subsequent outlay was made by the company at its own peril; and therefore your committee can only recommend the payment of \$77,000, notwithstanding the evidence shows that the company lost \$292,000.

On a rigid examination of the case your committee are unable to find any dereliction on the part of the company, or where they were at fault; and your committee considers it unjust to the claimants to refuse compensation for the losses sustained, and therefore recommend the passage of the accompanying bill appropriating \$77,000 in full satisfaction of claimant's demand.

APPENDIX.

Memorial of the Walnut Grove Gold Mining Company.

DECEMBER 8, 1873.—Referred to the Committee on Claims and ordered to be printed.

To the Senate and House of Representatives of the United States of America in Congress assembled:

Your memorialists, the Walnut Grove Gold Mining Company of Arizona, by the undersigned, their trustees, respectfully represent: That during the years 1864, 1865, 1866, 1867, 1868, and 1869, they were engaged in business at the Bully Bueno mine, 17 miles from Prescott, the capital of Arizona; that they invested large sums of money in the purchase of goods, supplies, machinery, and necessary outfit, wagon trains, and in the employment of men in the erection of buildings for store-rooms, business offices, dwelling-houses, mining machinery, and in the purchase of material for said buildings, and in opening mines and working the same, amounting in the aggregate to \$426,000.

Your memorialists were induced to engage in this enterprise by the officers of the United States Government, civil and military, and by the resident inhabitants, all of whom expressed a deep solicitude for the development of the country and the augmentation of the population and wealth.

Your memorialists were informed by the said officers and inhabitants that they could safely make said investments, and engage in said business, notwithstanding the previous unsettled condition of the country on account of repeated Indian depredations, as the country was at that time and would continue to be under the complete protection and control of the United States Army, the commanders of the troops voluntarily offering your memorialists, as an inducement to engage in this business, ample military protection, agreeing to erect a fort in the vicinity of and contiguous to these mines, to garrison the same, and to furnish guards for the defense and protection of your memorialists, their property and employes.

Your memorialists further state that, in the absence of said inducements and promises of ample military protection, they would not have made said investments, or any part thereof. They further state that, on account of the failure of said officers to fulfill said promises, repeatedly made, your memorialists lost, by depredations committed by Apache Indians residing in Arizona, a large part of said property, a number of their employes were killed, and their business terminated on July 9, 1869, completely destroying the enterprise in which your memorialists had thus been induced to engage.

Your memorialists further state that, in this connection, they reiterate their statement heretofore made December 27, 1871, marked "N."

Your memorialists further state that, on the 2d day of January, 1873, they applied to the Department of the Interior for compensation for said losses, to which, under

the laws of the United States and in justice, they believed they were entitled. The claim then submitted for adjudication was as follows, to wit :

Schedule of property belonging to the Walnut Grove Mining Company captured or destroyed by Apache Indians in Arizona.

1865.		
Aug. 1.	At Navajo Springs, 26 mules, at \$200.....	\$5,200 00
Aug. 23.	At Mule Creek, 12 mules, at \$200	2,400 00
Sept. 2.	At Bully Bueno Mine, 23 beeves, at \$40.....	920 00
Sept. 4.	At Pine Flat, 8 mules, at \$200.....	1,600 00
Sept. 4.	At Pine Flat, 1 wagon	280 00
Sept. 14.	At Hualapai Springs, 11 mules, at \$200.....	2,200 00
Sept. 15.	At Beall Springs, 5 mules, at \$200	1,000 00
Oct. 4.	At Bully Bueno Mine, 2,300 pounds bacon, at 50 cents.....	1,150 00
Oct. 4.	At Bully Bueno Mine, 9 mules, at \$200	1,800 00
Oct. 4.	At Bully Bueno Mine, 3 wagons, at \$280.....	740 00
Oct. 4.	At Bully Bueno Mine, 23 sets of harness, at \$30	790 00
Oct. 4.	At Bully Bueno Mine, 11 cases of boots, at \$60	660 00
Oct. 4.	At Bully Bueno Mine, groceries and provisions.....	2,600 00
Oct. 4.	At Bully Bueno Mine, chemicals.....	1,200 00
Nov. 15 to Dec. 15.	In the vicinity of Prescott, 100 mules, at \$200.....	20,000 00
1866.		
Feb. 9.	1 house burned at mine.....	1,200 00
Feb. 9.	7 wagons burned at mine, at \$280.....	1,960 00
Feb. 9.	17 mules captured at mine, at \$200.....	3,400 00
Feb. 9.	Supply of provisions.....	1,600 00
Feb. 9 to March 1.	On Mojave road, 19 mules, at \$200	3,800 00
Oct. —.	At Agua Frio, 40 mules, at \$200.....	8,000 00
Oct. —.	At Agua Frio, 4 wagons, at \$280	1,120 00
Oct. —.	At Agua Frio, merchandise	7,500 00
1867.		
Aug. —.	At Bully Bueno Mine, 73 mules, at \$250	18,250 00
1868.		
Mar. 2.	On Hassayampa Creek, 11 horses, at \$100	1,100 00
1869.		
July 9.	20-stamp quartz-mill burned	118,000 00
July 9.	Saw-mill burned.....	17,000 00
July 9.	1 house burned	11,000 00
July 9.	3 houses burned, at \$5,000.....	15,000 00
July 9.	2 houses burned, at \$3,000.....	6,000 00
July 9.	Stock of goods and provisions.....	32,000 00
July 9.	Chemicals and assaying apparatus.....	12,000 00
July 9.	7 mules and horses, at \$100.....	700 00
July 9.	Household furniture	2,000 00
Total.....		303,330 00
From this amount, however, there should be a deduction for those parts of the mill and machinery that have been saved, as stated in letter of September 11, 1869, of I. C. Curtis, herewith, to wit.....		10,530 00
Leaving a balance of.....		292,800 00

In connection with and in support of this claim for compensation your memorialists submitted to said Department such proof as was at the time attainable, a copy of which is hereto appended, marked A to M, inclusive. After a thorough examination of this claim and the evidence then submitted, Hon. B. R. Cowen, acting Secretary of the Interior, on the 14th day of January, 1873, reported the case with the testimony to the House of Representatives, recommending "that it receive the favorable consideration of Congress." Said report, and that of the Commissioner of Indian Affairs, are hereto appended, Nos. 1 and 2.

Your memorialists further state that at the date of the presentation of their said claim to the Department of the Interior for settlement, they were unable to make a complete and satisfactory statement of their said several losses as aforesaid, on account of the destruction of their books and papers by fire when their said property was burned by said Indians, and their inability to find many of their employes, who had left Arizona for different parts of the country, their whereabouts unknown to your memorialists, and their inability to avail themselves of the evidence of other parties cognizant of the facts. They have since learned that they greatly understated the actual value of the property thus destroyed; for example, the claim for mules captured and killed, at the average value of \$200; whereas your memorialists have since learned their actual cost at the several places of purchase to be as follows: 100 mules bought of S. S. Grant, at Saint Louis, December 7, 1864, at \$200 each, and

January 26, 1865, 168 mules, at \$250 each; 6 mules bought of Samuel Bartlett, at Denver, Colo., at \$250 each; 72 mules bought of Harvey Boren, at San Bernardino, Cal., at \$250 each in gold, and 46 mules bought of Dr. Clark, at Los Angeles, Cal., at \$200 each in gold.

The values of merchandise, provisions, chemicals, tools, &c., are stated at the original wholesale cash price in Philadelphia, Saint Louis, Denver, and San Francisco, where they were purchased. Your memorialists, however, are justly entitled to the actual value thereof at the places where the same were destroyed or taken.

This standard of value has been adopted by the Department of the Interior in the adjustment of claims. (See rule 4 of regulations hereto attached, marked "No. 3.") According to this just and equitable standard of valuation your memorialists' claim is as follows:

In the item of mules lost, the whole amount claimed, \$67,650, is less than cost, whereas the amount for which we could have sold said mules, \$400 each, in Arizona, and which we were offered, would be \$128,000, for which we would be entitled to recover, under rule 4 above cited, an additional amount of \$60,350.

In the item of wagons, we paid L. Espenschirtt, in Saint Louis, \$280 each, and claimed for them \$280 each, when they would have sold readily for \$500 each in Arizona. Under rule 4 we would be entitled to an additional amount of \$3,300. In the item of bacon, bought in Denver at 50 cents per pound, as stated, it should, under rule 4, be charged at \$1 per pound, the selling price at Prescott, making a difference in favor of your memorialists of \$1,150.

The harness is charged at \$30 per set, the cost price at Moyer & Brothers, Philadelphia, where purchased, was worth, where destroyed, \$75 per set, making a difference in our favor of \$1,075.

The item of eleven cases of boots, \$60 per case, their cost price in Philadelphia, would have readily sold, where destroyed, at \$1.44 per case, making a difference in our favor, under said rule, of \$924.

Groceries and provisions are estimated at cost where purchased, \$36,200; whereas they would have sold at the time and place they were destroyed or captured for at least double their cost, making a difference in our favor, under said rule, of \$36,200. In the item of chemicals, \$1,200 is charged, which were worth at least \$3,000 when destroyed, a difference in our favor of \$1,800. The item of merchandise destroyed at Agua Frio, for which is charged \$7,500, we have since ascertained cost us in San Francisco, where purchased, \$10,000, and were worth when destroyed at least \$20,000; so that in this item we are entitled, under said rule, to \$12,500 additional; making in all \$117,299 in excess of what is already stated as our claim.

The amount of our losses sustained should therefore be stated at \$410,099, instead of \$292,800.

In relation to the points of objection raised in the reports of the Acting Commissioner of Indian Affairs and Secretary of the Interior, above referred to, your memorialists beg leave to state:

1st. That they were unable to present their claim for adjustment within three years from the date of said deprivations, as required by the law cited by them, on account of the unsettled condition of the country, the destruction of their books and papers, and the dispersion of their employes to parts unknown, and also on account of there being no officer in Arizona before whom their claims could have been presented within the time specified.

2d. The objection raised as to the allowance of \$32,000 for stock of goods and provisions being "without the support of sufficient proof" your memorialists believe is now removed by the introduction of the affidavit of Edward Hoopes, hereto appended and marked "R," and reference to the affidavits of G. H. Vickroy, marked "A," Thomas H. Gibbons, marked "D," and E. W. Coffin, marked "F."

The Commissioner's second point of objection is to the allowance of \$118,000 for 20-stamp quartz-mill burned, and a doubt suggested by him as to the real value of that particular piece of property. We will state that, in addition to the \$77,000 referred to by him as the amount expended by Mr. Vickroy, our first superintendent, we subsequently furnished him the following sums, which were expended in prosecuting our said enterprise:

January, 1864—Clark & Stone, Leavenworth	\$12,000
April, 1865—Kuntz Brothers, Denver	5,000
October, 1865—James Tuttle, Prescott	8,700
February, 1866—W. H. Hardy, Hardyville	10,000
June, 1866—Hickox & Spear, San Francisco	14,700
February, 1867—From company in Philadelphia	12,000
February, 1868—Hickox & Spear, San Francisco	30,000
	92,400
Add to this the first amount furnished	77,000
Making in all furnished Vickroy	169,400

In addition to this amount the additional sum of \$127,750 was furnished by us to E. W. Coffin, while he was superintendent for us. (See affidavit marked "S.") The Commissioner's objection to the charges for houses destroyed, and which he regards "as exorbitant and not sufficiently supported by proof," it is believed by your memorialists is removed by the additional proof now submitted, to wit, the affidavits of W. M. Jensen, marked "T," and John B. Slack, marked "W."

The Commissioner's objection to other charges, which he says "should have been itemized, or an invoice of the same furnished," your memorialists believe ought not to be regarded as conclusive against them on that account.

The impossibility of furnishing an itemized account or invoice of such property, suddenly destroyed, without notice or warning, by the incendiaries, consisting in part of goods, wares, and merchandise in store, which were being depleted by sales and replenished by purchases from time to time, after the complete destruction of their books and papers, will readily be seen.

Your memorialists, therefore, think it would be a grievous hardship to be compelled to lose the value, amounting to a large sum in the aggregate, on account of the impossibility of procuring such invoice or itemized account, when they are able to present, as they have done and now do, the best attainable evidence showing the aggregate value with reasonable certainty.

Your memorialists further state that at the time of all said depredations referred to they were lawfully within the limits of the Territory of Arizona and its organized counties, or traveling along its public highways, and that their property and works enumerated and referred to were not situated upon any Indian land or reservation, and that the said Indians were at amity with the United States.

Your memorialists further state that they committed no offense against the said Indians or in any way gave cause for molestation; that they used more than ordinary care and diligence in guarding their property, and that the said losses were not on account of any neglect, carelessness, or fault of your memorialists or persons in charge of said property.

Your memorialists further state that they never have, directly or indirectly, sought or attempted to obtain private satisfaction or revenge from the said Indians, nor have they ever obtained compensation for the said damage sustained by reason of said depredations, nor any part thereof.

In further support of their claim, your memorialists submit the affidavit of Hon. John S. Watts, marked "No. 4," inclosing letter of General James H. Carleton, heretofore referred to, and also affidavits of B. F. Akers, marked "U," and of B. C. Peterson, marked "V."

Your memorialists submit that great importance should be given to General Carleton's letter, above referred to, guaranteeing protection, from the fact that he exercised supreme control over that whole country, and was the recognized authority there. He made war and peace with Indian tribes, built military posts and forts, and carried on the whole machinery of the civil and military government, and this letter was consistent with his whole administration while in command of New Mexico and Arizona, every act of which was indorsed and approved by the General Government; and therefore they submit that in justice and equity they should be reimbursed the amount of losses sustained, and therefore pray your honorable bodies to reimburse the said company for the losses sustained on account of the said Indian depredations.

And now come the undersigned, J. Gillingham Fell, Edward Hoopes, and George Burnham, trustees of the Walnut Grove Gold-Mining Company of Arizona, and upon their oath state that the matters and things in the above memorial to Congress, in behalf of the said company, so far as stated from their own knowledge, are true in substance and fact; and so far as stated from information of others, they believe them to be true.

J. G. FELL.
GEORGE BURNHAM.
EDWARD HOOPES.

Before me, the subscriber, a notary public for the Commonwealth of Pennsylvania, residing in the city of Philadelphia, personally appeared J. Gillingham Fell, above named, who, being duly affirmed according to law, did depose and say that the statement to which he had subscribed was just and true, as he verily believes.

Subscribed and affirmed before me this 12th day of August, A. D. 1873.

[SEAL.]

JNO. A. BELL,
Notary Public.

COMMONWEALTH OF PENNSYLVANIA,
City of Philadelphia, ss:

Personally appeared before the subscriber, a notary public of the Commonwealth of Pennsylvania, residing in the city of Philadelphia, the within-named George Burn-

ham and Edward Hoopes, and who, on being severally affirmed according to law, say that the above statements subscribed to by them are just and true according to their best knowledge in the premises.

Witness my hand and official seal this 13th day of August, 1873.

[SEAL.]

ROBERT HUTCHINSON,
Notary Public.

No. 1.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., January 14, 1873.

SIR: I have the honor to transmit herewith, as required by the seventh section of the act making appropriations for the Indian Department, approved May 29, 1872, the claim of the Walnut Grove Mining Company, of Arizona, amounting to \$292,800, on account of depredations committed by Apache Indians between August 1, 1865, and July 9, 1869.

The seventeenth section of the trade and intercourse act of the 30th of June, 1834, requires that application for compensation for depredations shall be made to the proper superintendent, agent, or sub-agent, within three years after the commission of the injury, or otherwise the claim shall be barred.

The peculiar condition of affairs in Arizona, it is alleged, prevented a compliance with the requirements of said section.

From an examination of the papers, this Department is satisfied that the claim possesses merit, and it is respectfully submitted with the recommendation that it receive the favorable consideration of Congress.

Very respectfully, &c.,

B. E. COWEN,
Acting Secretary.

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

No. 2.

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, D. C., January 7, 1873.

SIR: I have the honor to acknowledge the receipt, by reference from the Department, on the 2d instant, of a letter from George H. Vickroy, dated 2d ultimo, submitting a claim of the Walnut Grove Mining Company, of Arizona Territory, on account of depredations alleged to have been committed by Apache Indians at various times, from August, 1865, to July 9, 1869, the loss being stated at \$292,800.

The papers in the case have been carefully examined in this office, and the conclusion reached that the claim is not without merit, is justified, it is thought, by the sworn statements of parties who were identified with the operations of the company as employés, and who were personally cognizant, in most instances, of the facts stated by them. What amount of loss the company actually sustained by the direct acts of the Indians is a question difficult of satisfactory reply or determination. The depredations were numerous, and the task of harmonizing the evidence of different parties, as to the particular facts in each and every instance, seems to be impracticable, especially with reference to the loss of mules or "animals." Some of the items in the claim, such as "stock of goods and provisions, \$32,000," are without the support of sufficient proof, and in others the valuation is manifestly excessive. It will be seen by the testimony of G. H. Vickroy, the first superintendent of the company, that the outfit purchased by him, consisting of a 20-stamp quartz-mill, 40 horse-power engine, 26 wagons, 268 mules and harness, provisions, tools, "&c.," cost about \$77,000. With this amount much material apparently is procured. Referring to the schedule of property (accompanying the claim), which, it is alleged, was either captured or destroyed by the Indians, it will be observed that the item of "20-stamp quartz-mill burned" is for the sum of \$118,000. A reasonable doubt arises as to this being the real value of that particular piece of property, for the presumption is that the machinery in the mill was the most important part of it, the cost of which may be estimated by taking Mr. Vickroy's statement as to the \$77,000 expended for quartz-mill and other property, and by allowing for costs of transportation. The charges for houses destroyed are regarded as exorbitant and without support of sufficient proof; and other charges, which should have been itemized, or an invoice of the same furnished, are deemed to

be inadmissible, from the fact that they are not so itemized; in addition, they are not well sustained by proof.

I respectfully submit that the allegation of the depredations having been committed, as set forth in the claim, is sufficiently proven, and recommend that the case be submitted to Congress for its action. In this connection it is proper to remark that, under the limitation provided in the seventeenth section of the law of June 30, 1834, in regard to claims for depredations by Indians, the claim under consideration, not having been presented within three years, is barred.

The letter of Mr. Vickroy, and papers submitted by him, are herewith returned.

Very respectfully, your obedient servant,

H. R. CLUM,
Acting Commissioner.

Hon. B. R. COWEN,
Acting Secretary of the Interior.

No. 3.

4. When the application, documents, and proofs shall be received by the superintendent of Indian affairs, Indian agent, or sub-agent, said officer shall carefully investigate the case; shall ascertain, by inquiry of reliable persons, from advertised prices, or otherwise; whether the prices fixed by the claimant upon the articles of property mentioned in the claim are just and fair as compared with the market prices ruling at the time in the State or Territory in which the depredation was committed, with due allowance for enhancement of price by reason of transportation; and where it is possible to procure it, said officer shall, if deemed advisable, take testimony as to the credibility of the claimant, or of any person testifying in his behalf; and also respecting the statement set forth in the application, documents, and proofs submitted by the claimant. Upon the performance of this duty, the superintendent, Indian agent, or sub-agent will, without necessary delay, present the case to the proper nation or tribe assembled in council, according to the custom of such nation or tribe, and after fully explaining it to them, he will then and there demand satisfaction for the claimant. If within a reasonable time the nation or tribe shall not have complied with such demand, the fact of the depredation by some of their people being admitted in such council, or if they deny the charge as made and peremptorily refuse to render any satisfaction, the superintendent, agent, or sub-agent will in such case submit a report of the proceedings had, together with all the papers, to the Commissioner of Indian Affairs. Such report shall state whether the Indians in council recognized, remembered, and admitted the depredation charged; and if so, how far, and with what particularity the allegations of the claimant respecting such depredations were borne out by the recollections and acknowledgments of the Indians in reference thereto.

5. The Commissioner of Indian Affairs will cause all claims received by him as above noticed to be duly registered and filed in his office, and shall, as soon thereafter as practicable, cause the same to be carefully examined, and then forwarded, with a report of his views and opinion in each case, to the Secretary of the Interior for the action of the Department.

C. DELANO, *Secretary.*

DEPARTMENT OF THE INTERIOR, July 13, 1872.

No. 4.

UNITED STATES OF AMERICA,
District of Columbia:

I, John S. Watts, a resident of Santa Fé, Territory of New Mexico, since 20th June, A. D. 1851, by occupation an attorney and counselor-at-law, and fifty-six years of age, upon my oath state: That I was well acquainted with the situation and government of the Territory of New Mexico, and those invested with supreme military command of the Department of New Mexico. Upon the entrance of General James H. Carleton into New Mexico, the confederate troops having retreated from New Mexico, the Department of New Mexico, then including Arizona, and El Paso County, Texas, was placed under the command of Brigadier-General James H. Carleton, and martial law was enforced in said department by General J. H. Carleton, as it had been by his predecessor, General Canby, and military authority was supreme in New Mexico during the time of the war of the rebellion and while General J. H. Carleton was in command of said department.

I further state, that under date of July 11th, 1864, when General J. H. Carleton addressed George H. Vickroy on the subject of protection to his proposed purchase and

transportation to Arizona, near Prescott, of a quartz-mill and engine and mining supplies, he was then the military commander of the Department of New Mexico, including Arizona, New Mexico, and El Paso County, Texas; and I should have regarded the letter of General James H. Carleton, a copy of which is hereto attached, marked as Exhibit A, as a full and sufficient stipulation for the secure and efficient protection of my life and property, should I have engaged in a mining venture such as was undertaken by the Walnut Grove Mining Company, under the superintendency of George H. Vickroy, and should have felt that, on arriving at my destination in Arizona and on the route there, that the fullest and most perfect protection would attend such an important, expensive, and useful enterprise. And further saith not.

JOHN S. WATTS.

DISTRICT OF COLUMBIA,
County of Washington, ss:

Sworn to and subscribed before me, this 26th day of February, 1873.

[SEAL.]

JAMES A. TAIT,
Notary Public.

Copy of General J. H. Carleton's letter.

HEADQUARTERS, DEPARTMENT OF NEW MEXICO,
Sante Fé, N. M., July 11, 1864.

GEORGE H. VICKROY, Esq.:

MY DEAR SIR: In answer to your verbal question as to the safety of carrying on mining operations hereafter in Arizona, I will say I have already inaugurated a campaign against the Apache Indians that will result in their complete subjugation, and should you induce friends in the East to join you in erecting a quartz-mill in the newly discovered gold regions near Fort Whipple, the enterprise will be fully protected by the military. I am well assured that building a quartz-mill there, and developing some one of the rich mines, will result in such benefit to the Government as to amply compensate for the protection given.

I have the honor to be, very respectfully,

JAMES H. CARLETON,
Brigadier-General, Commanding.

WASHINGTON, D. C., December 2, 1872.

SIR: I have the honor to submit the following sworn statement and accompanying evidence concerning the claim of the Walnut Grove Gold-Mining Company, of Arizona, in accordance with the rules and regulations prescribed by you, July 13, 1872, under the terms of the seventh section of the act of Congress making appropriations for the Indian Department, approved May 29, 1872. By reference to affidavits marked A, B, C, D, E, F, G, H, I, K, L, and M, and the statement of the trustees of said company marked N, and schedule of property destroyed and stolen marked O, and letters marked P & Q, you will see that the last loss sustained by our company was prior to the time within which the above-mentioned rules and regulations require such claims to be presented to the superintendent, agent, or sub-agent, for indemnity.

The depredations were committed between August 1, 1865 and July 9, 1869, and were committed by different bands of Apaches and at different times and places.

At the time these losses were sustained by us there was no superintendent of Indian affairs, agent, or sub-agent, having jurisdiction or charge of the nation, tribe, or band to which these depredators belonged.

Although the Indians who committed these depredations are now within the presumed jurisdiction of the United States superintendent of Indian affairs, they are not within the actual jurisdiction or charge of any superintendent, agent, or sub-agent, and it is therefore impossible for any such officers to investigate this case, or to present the case to the nation, tribe, or band assembled in council, or otherwise, as prescribed by section 4 of said rules and regulations.

The depredations were committed within the Territory of Arizona, and not upon any Indian lands or reservations.

I therefore most respectfully submit this case to your favorable consideration, and ask that you transmit the same to Congress, with such recommendation as, in your judgment, the evidence justifies.

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

GEO. H. VICKROY,
Superintendent.

Subscribed and sworn before me this 2d day of December, 1872.

[SEAL.]

J. MCKENNEY,
Notary Public.

A.

Statement of George H. Viokroy.

I went to Arizona in 1863, and engaged in mining. During the next year I secured several valuable mines, and was much urged and encouraged to bring a mill and the necessary machinery to develop them, as at this time there was no mill in the Territory. Needing more capital to render the enterprise successful, I started East to procure it; but as the settlers in that section were constantly harassed by the Indians, I determined that it would be dangerous to risk much money there unless I could obtain some guarantee of military protection.

In July, 1864, with a view to obtain information on this point, I found General James H. Carleton (then in command of New Mexico and Arizona) at Santa Fé, who, in response to my request, addressed to me a communication, saying that he had inaugurated a campaign against the Apache Indians, which would result in their complete subjugation, and stated that if I succeeded in obtaining a quartz-mill for Arizona the enterprise should be protected. With this ample assurance, I went to Philadelphia and negotiated with a number of gentlemen, who organized a company under the name of the "Walnut Grove Gold-Mining Company." Of this company I was made the general superintendent.

The company raised the sum of \$77,000 at that time, with which I was instructed to purchase a 20-stamp quartz-mill, a 40-horse-power engine, 26 wagons, 268 mules, and harness, provisions, tools, &c., which about absorbed that amount.

My train being ready, on the 28th of February, 1865, I started from Leavenworth City, Kans., having with me thirty-five men.

About August 1 we were attacked at Navajo Springs, in Arizona, and lost twenty-six mules. The train reached Prescott about September 1, 1865. Arizona had been transferred to the Department of the Pacific during my absence, and General Mason was then in command of the district. He gave me every assurance of military protection. My mill was the first in the Territory, and the whole community, as well as the civil and military authorities, were anxious to see it erected and in operation. I decided to put the mill on the Bully Bueno mine. General Mason gave me twenty-one soldiers to escort the train to the mine. The day after they joined the train the Indians attacked us, killed one man, and captured twelve mules. We were about two weeks in reaching the Bully Bueno mine, and had some fighting with these Indians every day.

About the 1st of September, 1865, we reached the mine and unloaded. On that day the Indians captured our entire beef-herd of twenty-two head of cattle. The next day the empty train started for Prescott, the escort accompanying it. When one mile from the mine, at Pine Flat, the Indians attacked us, killed one teamster, captured eight mules, and burned one wagon. The train reached Prescott, where the military escort was withdrawn. The train was then *en route* for Fort Mojave for feed. I applied for an escort, but was refused because of the scarcity of men.

On the road to Mojave the train was attacked at Hualapai Springs, where the Indians captured eleven mules. The next day, at Beall Springs, the Indians captured four mules and one horse. I loaded the train at Fort Mojave with barley and returned to Prescott.

On the military reservation at Fort Whipple we lost seven mules while unloading the train, and while in Camp Prescott, within two weeks of this time, we had about one hundred mules stolen by the Indians, but I cannot give the exact dates or the number taken each time an attack was made, but we lost about one hundred mules between November 15 and December 15, 1865.

At the mine I had started eleven men at work on the mill, who were attacked on the afternoon of October 4 and driven off. Some took refuge at Walnut Grove and others at Prescott. I then employed a larger force, and again applied for troops to be stationed at the mill during that winter, as but few men could be engaged for that purpose, owing to the extreme danger, at that time, from the Indians.

During that winter we had about fifty mules stolen from the mills by the Indians, while our teams, which were freighting on the road from the Colorado River to Prescott, were frequently attacked by them and lost wagons and mules.

From the time I reached Arizona, in September, 1865, until March, 1866, the Indians, captured, in all, two hundred and seven mules, which had cost from \$200 to \$250 each in Missouri.

On the 9th of February the Indians attacked our camp at Bully Bueno, drove off the men, killed two, and wounded one. General Mason sent over a surgeon and a company of troops, who remained about one week and were withdrawn. I then increased our force to about forty men and left them, coming to Philadelphia in May, 1866, and returned to Arizona about August 1.

During my absence the Indians had captured about twenty head of animals. In October, 1866, I sent from San Pedro, Cal., a train loaded with provisions, which was

captured by the Indians at Agua Frio, ten miles from the Bully Bueno mine. Five teamsters were killed and about forty animals taken.

In November, 1866, I went to Philadelphia, and as all efforts to have a military camp established at our mill had failed, I went to see General Grant at Washington, to whom I represented our situation, and who promised to instruct General McDowell (then commanding the Department of the Pacific) to extend such aid to us as was possible, and to establish a military camp at our mill. This was never done. During my absence at this period Maj. E. W. Coffin was superintendent of the company's operations in Arizona.

At Los Angeles, Cal., in June, 1867, I bought about seventy head of mules and horses and six wagons, and loaded them with provisions and merchandise, and started them for Prescott. The train had trouble with the Indians all the way, and reached the mine after losing a number of animals. The day after their arrival the Indians captured every animal belonging to the company and killed the herders. This caused a total suspension of operations, as we could purchase no teams in Arizona at that time. Major Coffin abandoned the enterprise and returned to Philadelphia, I having in the mean time remained in San Francisco.

On hearing of this disaster I at once went to Prescott, and applied to General Gregg for soldiers to protect the property, but without result. I employed a force of men to guard the mill, and left them there during that winter, and came to Philadelphia.

During the following March, 1868, I returned to Prescott, and as the men I had left were unwilling to remain longer, I made an application to General Devin (then commanding the district) for soldiers, representing that I could not secure an adequate force of men to protect the property. He could spare no soldiers, so I employed thirteen men, which were all I could obtain for that purpose, and left the mill in their charge. We had about eleven head of mules and horses stolen by the Indians about this time, March 2, 1868, on the Hassayampa, while *en route* to Wickenburg. The Indian troubles new became so great that we could not carry on operations, and our only object was to guard the property from destruction. These men remained in charge until July 9, 1869, when a large force of Indians attacked the premises and burned the mill, store-house, saw-mill, superintendent's house, boarding-house, blacksmith and carpenter shops, and stables, destroying the machinery, tools, and supplies, together with all of the books, papers, and accounts.

The expense incurred by the company up to this time had amounted to \$292,800. I was their general superintendent from the time of its organization up to the time of the destruction of the mill.

I am well assured that this enterprise would have never been undertaken had it not been for the military protection which was promised, and I am satisfied that if that protection had been afforded my operations in behalf of the company would have been entirely successful.

GEO. H. VICKROY.

Subscribed and sworn to before me January 6, 1872.

[SEAL.]

R. J. MEIGS, Clerk.

By R. J. MEIGS, JR., Assistant Clerk.

B.

Affidavit of James A. Flanagan.

I, James A. Flanagan, of Johnstown, Pennsylvania, being thirty-five years of age, upon being duly sworn, depose and say: I assumed the superintendence of the Bully Bueno mine and mill, situated on Turkey Creek, within sixteen miles of Prescott, Ariz., on the 15th day of March, A. D. 1868. At that time the Indians were very hostile, daily committing depredations in that vicinity. I applied to General Devin, commanding that district, for military protection, as there was a large amount of valuable property at the mill, and I could not employ a sufficient number of citizens to protect it, owing to the extreme danger of Indians. General Devin frequently told me he was well aware of the necessity of a stronger guard at the mill, but being short of men, could not spare any soldiers, but promised from time to time to send me an adequate guard, so soon as he could possibly spare troops from Fort Whipple. I made, through Capt. J. P. Hargrave, of Prescott, the company's attorney, frequent applications to the commander of the district for military protection, as the danger became more imminent. I kept at the mill as strong a force of citizens as I could possibly employ all the time. The working force at the mill and mine was from forty to seventy men. On the 9th day of July, 1869, the Indians attacked the premises in force, and compelled us to abandon the place and seek refuge at Prescott, sixteen miles distant, the nearest military post, after which they burned the buildings, consisting of a mill-

building, 160 by 200 feet square, a saw-mill and building, carpenter-shop, blacksmith-shop, store-house, boarding-house, superintendent's house, and all the merchandise and provisions also the wagons, harness, tools, &c. These buildings were all large fine houses. Nothing whatever escaped destruction in the attack which could be burned except what merchandise and stock the Indians carried off. I had entire superintendence of the books and accounts during this time, which were all burned. The company had expended in this enterprise a fraction over \$292,000. The Bully Bueno mine is one of the best on the Pacific coast, and would, if worked, yield a very large product of gold. The mine is well opened and developed, and will furnish an inexhaustible amount of rich pay rock. This was the principal mining enterprise in Arizona, and its destruction was a calamity to the whole Territory.

JAMES A. FLANAGAN.

Subscribed and sworn to before me, at Johnstown, Pa., this thirtieth day of October, A. D., one thousand eight hundred and seventy-one

[SEAL.]

GEORGE T. SWENCK,

Prothonotary of District Court of Cambria County.

C.

Affidavit of A. H. Boomer.

The undersigned, A. H. Boomer; am thirty-seven years old. I was employed by G. H. Vickroy as wagon-master in February, 1865, to take a mule-train, consisting of twenty-six wagons hauled by ten mules each. I arrived at Prescott, Ariz., in August, 1865, with the train, and was furnished by General Mason, then commanding that district, a military escort, who remained with the train about two weeks, and until I arrived at the Bully Bueno mine, during which time we were attacked three times by Indians. The wagons under my charge were loaded with a 20 stamp quartz-mill weighing 96,000 pounds, and about 60,000 pounds of tools, provisions, &c. After unloading the train I was directed by the superintendent of the company to go to Fort Mojave, one hundred and sixty miles distant, for barley, and applied at Fort Whipple for a military escort, but was unable to procure one. On my way to Fort Mojave was attacked twice by Hualapai Indians in large force, and lost fifty-seven mules and two horses, and was compelled to abandon four wagons. We struggled along through the winter, making every effort to erect the mill and haul in feed and supplies, but every team stationed at the mill was run off by Indians, and in March, 1866, Mr. Vickroy, the superintendent, became discouraged, and as he could neither employ citizens to protect the property, nor obtain military protection, I was directed to take the train to California, consisting then of only six wagons and fifty-three mules, the balance all having been captured by the Indians. Mr. Vickroy overtook me on the road in California, accompanied by four of the men who had been employed guarding the property at the mine, and reported that the Indians had attacked the premises, driving off the force of eleven men and killing four, and burning the two houses. We sold the remainder of the train to William H. Hardy, and Mr. Vickroy and myself came to New York.

ALEXANDER H. BOOMER.

Sworn to and subscribed before me, this 27th day of November, 1871.

[SEAL.]

JOSEPH BROWNE,

Clerk of Court.

D.

Affidavit of Thomas H. Gibbons.

The undersigned, Thomas H. Gibbons, whose residence is Elgin, Ill., testifies as follows: I was employed by G. H. Vickroy, at Denver, Colo., in May, 1865, to go to Arizona with the quartz-mill belonging to a Philadelphia company known at that time as the Walnut Grove Gold-Mining Company, as book-keeper. I joined the mule-train, consisting of twenty-six wagons, at Grey's Ranch, in Colorado, and traveled with the train to the Bully Bueno mine, situated sixteen miles from Prescott, Ariz. The first attack made upon the train by Indians was at Navajo Springs. A large force of mounted Indians attacked the herd while grazing a mile from the wagons, but in

plain sight, while we were eating dinner, drove off the six Mexican herders, captured nineteen mules and killed seven. This was about the 1st of August, 1865. We reached camp, six miles below Prescott, about September 1, 1865. There General Mason sent the train an escort of twenty-one men. We then proceeded on across the mountain to the Bully Bueno, which took about two weeks, as we had to build a road. At Mule Creek, seven miles from the Bully Bueno, about September 10, the Indians made an attack, killing one teamster and stealing twelve mules. The day we reached the mine, about September 21, the beef-herd, consisting of about twenty cattle, was taken, and on the next day, as the train was going back to Prescott, they captured an eight-mule team and burned the wagon, at Pine Flat, one mile from the mill. Our military escort went back to Fort Whipple at this time. Eleven men were left at the mill, which was in course of erection, who were driven off by Indians about October 4. We employed another and stronger force composed mostly of the teamsters who came through from the Missouri River with the train. We applied for soldiers to assist in guarding the mill, but could get none, as General Mason was carrying on a very vigorous campaign against the Indians that winter, and could not spare any men, but promised to protect us by spring. In January, 1866, Mr. Vickroy left me in charge, as he had to go to Philadelphia. Up to this time I had been in the office of the company in Prescott. I then employed five more men, deeming the force at the mill too small to protect it, and went there myself. I employed every man I could hire to go to the mine. On the 9th of February, 1869, a large force of Indians, probably two hundred, attacked the men, who were quartered in two houses, killed one man and wounded two others, one fatally, took seven mules and three horses from the stable, and burned one of the houses. The men retreated to Prescott, where I had gone the day before on business. I applied to the post for aid, and the commander sent a surgeon and a company of troops to the mill, but they did not remain a week. This was the second and last assistance the company ever got from the military while I was in the country. I then employed about twenty more men who had just come in from Montana. In August, 1866, Mr. Vickroy returned with Maj. E. W. Coffin, who took charge of the enterprise and sent me to California for a load of provisions, mining material, &c. I bought about \$10,000 worth, and with seven teams, of ten mules each, started from San Pedro about October 1, 1866. At Fort Rock, seventy miles from Prescott, we were attacked by not less than a hundred and fifty Indians and lost thirteen mules. We had trouble every day then, until, within ten miles of the mine, the Indians killed four teamsters and took all the stock. I then remained at the mine a year longer. In the August following (1867), Major Coffin, who had been to Philadelphia, came in with a fine mule-train. The day after the train arrived at the mill the Indians killed one herder and captured every mule and horse belonging to the company. We were all ready to go to crushing ore at that time and everything looked promising. We then had a force of about seventy men, nearly all of whom had been there a year. The loss of the stock made it impossible to do anything that winter, and as Major Coffin had made many applications for troops to no purpose, he gave up the enterprise and went to Philadelphia, leaving twelve or fifteen men to guard the property. I came to Illinois that fall, where I have remained ever since. I have spent ten years in gold mines, and at one time had a mill in Colorado, and feel sure that had it not been for Indians the Bully Bueno, which is the best mine I have ever seen, would have been a great success. I kept all the accounts for two years and know that the company spent over \$290,000 upon this enterprise. I have frequently heard and seen it stated in several newspapers that the mill and all the buildings were burned by Indians in July, 1869.

THOS. H. GIBBONS.

Sworn to and subscribed before me, this 7th day of December, 1871.

JOHN G. GINDELE,

Clerk County Court of Cook County, Illinois.

E.

Affidavit of Thomas Rich.

Deponent is thirty-four years old; born at Milwaukee; Wis.; resides at 1628 Halstead street, Chicago. I was employed at Leavenworth City, Kans., on the 17th of January, 1865, by G. H. Vickroy, superintendent of the Walnut Grove Gold-Mining Company, and remained in their employ until August, 1869. We left Leavenworth on the 23d February, 1865, with a mule-train consisting of twenty-six ten-mule teams. About the 1st of August, 1865, at Navajo Springs, Ariz., the train was attacked by Indians, resulting in the loss of twenty-six mules. At the Point of Rocks, six miles from

Prescott, a military escort of twenty-one men joined the train. We were attacked several times by the Indians, and had one teamster killed and twelve mules stolen between there and Bully Bueno mine. We there unloaded the machinery and merchandise. On the way back to Prescott the Indians captured one wagon and team of eight mules. About the 1st of November, 1865, we started for Fort Mojave, to bring in a load of feed and supplies. I went with the wagon-master, A. H. Boomer, to the commander of the post at Fort Whipple for a military escort, which was refused us. At Hualapai Springs the Indians attacked us and captured eleven loose mules. At Beall Springs we were again attacked, losing four mules and one horse. We returned with the train to Prescott about the middle of December, 1865. We again applied for a military escort and were again refused. The train went back to Fort Mojave. I was in Prescott when the first party was driven away from the mill at the Bully Bueno mine, about the 4th of October, 1865. I was at the Bully Bueno on the 9th February, 1866, when the Indians drove us off and killed two of our party and burned one of the houses. I was with Thomas H. Gibbons about the 20th of October, 1866, at Fort Rock, when the Indians attacked a train of six wagons, which the company had sent in from San Pedro, Cal. In that fight we lost thirteen mules and had one man fatally wounded. Gibbons and I left the train at Prescott, and went across the mountain to the mill by the trail. The train went round by the wagon-road, and was all captured and five men killed when within ten miles of the Bully Bueno. There were seven fine buildings erected at the mine, a mill building, 160 by 200 feet, a saw-mill, a blacksmith and carpenter shop, a store-house and three dwelling-houses. I was there in August, 1867, when Major Coffin came in from California with a mule-train of about sixty mules, which were all captured by the Indians the day after his arrival. While I was in Arizona the Indians killed seventeen men employed by the company, and captured or killed about two hundred mules, and burned about ten wagons belonging to the company. On the night of the 9th of July, 1869, the Indians attacked the premises, then in charge of James A. Flanagan, and drove off the entire force and burned every building at the place, together with all the wagons, out-buildings, lumber, &c.

I have had several years' experience in the gold mines of Colorado, New Mexico, and Arizona. I think \$300,000 is a low estimate of the losses of this company in Arizona by Indian depredations.

THOMAS RICH.

Subscribed and sworn to before me, this 7th day of December, 1871.

[SEAL.]

JOHN H. PECK,
Notary Public.

F.

Statement of Edward W. Coffin, of Camden County, State of New Jersey.

In May, 1866, I was appointed superintendent of the Walnut Grove Gold-Mining Company, of Turkey Creek, Yavapai County, Territory of Arizona, and on the 1st of June following left New York for San Francisco, *en route* for that place, to assume charge of the company's property; Mr. George H. Vickroy, the former superintendent, accompanied me. At Los Angeles, Cal., we purchased the necessary teams, provisions, &c., for the journey, and about the first of the following August reached our destination. Having completed the necessary arrangements I immediately commenced the erection of a 20-stamp quartz-mill, which had been previously brought into the Territory by Mr. Vickroy, with the necessary buildings, &c., which were finished about the close of the year, notwithstanding we were almost daily troubled by the Indians (Apaches), in killing men, running off stock, harassing our supply-trains, &c., and which caused a vast increase in the cost of our enterprise. As they had stolen a large part of the stock in that part of the Territory, as well as our own, it was impossible for me to obtain teams to haul rock to the mill, and obliged me to return East and obtain more money to enable me to purchase another outfit of teams, wagons, &c., in California, and to supply our mill. With that object I started East about the 1st January, 1867. When I first assumed charge of the mine I was assured we should receive military protection, and while I was in Arizona I made numerous applications and had as many promises of protection from the military authorities, but with the exception of one escort for two or three days, I never succeeded in obtaining the least protection. In the fall of 1866, some time before starting East, I addressed a communication to Lieutenant-General Grant, which was indorsed by influential parties in Philadelphia, urgently requesting that a military camp might be formed in the vicinity of the mill for our protection. This letter was presented to General Grant by Mr. Vickroy, and I have understood he instructed General McDowell, then in command of the Department of the Pacific, to establish such a camp; but it was never done and we had to depend

entirely upon ourselves. After obtaining the necessary means I again left New York for Arizona on the 11th April, 1867. On my arrival at Los Angeles I purchased a large number of animals, wagons, provisions, &c., and started for the mines, where we arrived early in August. The train was very much annoyed by Indians on the way, and the day after our arrival the herd was attacked within less than half a mile of the mill, but by the vigilance of the herders the Indians were driven off. A few days afterward, however, while grazing on the company's farm, the herd which I had brought in, with other animals belonging to the company, were driven off and the herder killed. This unfortunate occurrence placed us in as bad a condition as we were when I left for the East the previous January, and discouraged the company from again purchasing stock and pursuing the enterprise. I returned East in August, and soon after ended my connection with the company.

I have no means of knowing the exact amount of money expended by the Walnut Grove Gold-Mining Company in this enterprise, but I have every reason to believe it is about \$300,000.

I understand it is the intention of the company, in case the Government grants their application for relief, to expend the money so received in developing the mine, erecting new machinery, &c., and I have no doubt, from my knowledge of the property, the enterprise will be a complete success; and as there has been a new settlement made within a few miles of it, the company can develop their property in comparative safety, and from the number of men employed at the mine, it will be the means of saving the Government large sums of money in the maintenance of troops in that vicinity.

I am entirely satisfied in regard to the value of the mine, and believe it to be one of the best on the Pacific coast, and if properly developed, which it will be if this relief is granted, the Government will be amply repaid for all its expenditure. In my opinion it is nothing more than justice that the company should be compensated for its losses, for I am quite confident the money would not have been expended if they had not had full assurance of protection from the Indians.

E. W. COFFIN.

Sworn and subscribed to before me, this 27th day of December, A. D. 1871.

[SEAL.]

J. A. LOUGHRIDGE,
Prothonotary.

G.

Affidavit of Richard Gird.

I, Richard Gird, residing in the city of San Francisco, State of California, being duly sworn by Lorenzo S. B. Sawyer, clerk and commissioner of the United States circuit court of the ninth circuit, district of California, depose as follows: That I was in Prescott in September, 1865, when G. H. Vickroy arrived with a mule-train of wagons from the Rio Grande freighted with mining-tools, mill, machinery, and provisions. The mule-train, wagons, and outfit were the finest and largest I have ever seen in the Territory. It was common report that the train had been many times attacked by Indians; that, after much trouble, perseverance, and hardship, the mill had been located at the Bully Bueno mine, when the Indians became so dangerous and troublesome, stealing the stock and attacking the men, that the party in charge, consisting of some eighteen or twenty men, abandoned the mine, putting into the boilers, through the man-holes, what property they could, and burying or *cacheing* the whole, consisting of three 32-inch Teale cylinder boilers, thirty-two feet long, engine, mill, machinery, provisions, tools, powder, &c. Military protection could not be obtained.

I was at that time collecting data for my map of Arizona, and the Indians were so bad, and fast becoming more daring and better armed, and consequently more dangerous, that I abandoned it in the fall of 1865 and returned to San Francisco.

The next season Major Coffin, who came out as superintendent of the Bully Bueno mine, suffered heavy loss, great inconvenience, and delay from Indian depredations. He had a wagon-train conveying supplies from Prescott to the mine attacked, the teamsters killed, and property destroyed.

I went to Arizona in the employ of the company in 1867 as surveyor, and in the company of Mr. Vickroy and Mr. Harlan. On the road from San Bernardino to Prescott reports continually reached us of Indian hostilities. When we reached the Bully Bueno mine and mill we found that the stock had been run off by Indians, and that Major Coffin had been compelled to suspend operations. We found the mill guarded by citizens, employed by the company, who were in continual dread of attacks. I went with Mr. Vickroy to General Gregg, then commanding the district, for soldiers

to assist in guarding the property. General Gregg said that he had no men to spare from Fort Whipple, and citizens could not be employed in sufficient numbers to be effective.

The property at the mine consisted of the mill-building, with machinery for reducing ore, all in running order, circular saw for sawing lumber, dwelling-house, boarding-house, powder and tool-house, and other buildings, both at the mine and mill.

I have no hesitation in saying that the failure of the enterprise was owing to Indian hostilities and the consequent insecurity of life and property in that exposed situation; that the loss of the company must have been very heavy, and the final destruction of the mill in 1869 is a death-blow to the enterprise for the present; that if it had not been for the impossibility of the company's prosecuting the work on account of Indian hostilities and want of military protection, the mill would have paid handsomely from the beginning.

RICHARD GIRD.

Subscribed and sworn to before me, this 16th day of January, A. D. 1872.

[SEAL.]

L. S. B. SAWYER,
Clerk and Commissioner United States Circuit Court,
Ninth Circuit, District California.

H.

Affidavit of Charles Harlan.

I, Charles Harlan, residing in San Francisco, am twenty-five years of age, and am employed in the custom-house as examiner of weighers' returns. I went with G. H. Vickroy, general superintendent of the Bully Bueno mine, in August, 1867, to Arizona. On our way there we were much annoyed by Indians, and heard of their poisoning the water in advance of us. When we reached Hardyville we heard of so many attacks having been made between there and Prescott that we waited several days, until a sufficiently large party could be made up to make traveling safe. Mr. Vickroy procured two more horses at Hardyville, which, in addition to the four we were driving, made team enough to haul feed and provisions for the whole party. On arriving at Prescott we found the country so overrun, and in the power of the Indians, as to preclude the possibility of starting up the mill, which had been forced to stop by the attacks of the Indians, and that Mr. Vickroy's mule-trains, which were the finest in the Territory, had fallen a sacrifice to the disturbed condition of the country. Mr. Vickroy could not replace his mules, as there were no animals for sale in the country. He appealed to General Gregg for troops to guard the mill, but General Gregg was not able to spare them. Mr. Vickroy then employed what men he could to guard the mill and other buildings, and he and myself returned to California, after being absent several months, and fully convinced that the number of soldiers in the Territory was totally inadequate to the protection of life and property. Mr. Vickroy had intended to run his mill that winter, and prepared to do so at a very heavy expense, but the loss of his mule-trains made it impossible to replace them.

CHARLES HARLAN.

Subscribed and sworn to before me, this 16th day of January, A. D. 1872.

[SEAL.]

L. S. B. SAWYER,
Clerk and Commissioner United States Circuit Court,
Ninth Circuit, District California.

I.

Affidavit of Charles Allmendinger.

I, Charles Allmendinger, am twenty-seven years of age; reside at No. 434 North Second street, Philadelphia.

On February 12, 1867, I left New York for Arizona with G. H. Vickroy, by whom I was employed as assayer. We arrived in Arizona about the middle of April. I remained in Arizona one year. During the time I was there the Indians committed depredations nearly every week. We had no protection from the military authorities, though we were frequently promised aid. There were eleven of our men killed while I was there. While I was there the Walnut Grove Mining Company sustained heavy losses from Indian depredations, losing a great number of mules and horses.

I was also with G. H. Vickroy in Los Angeles and San Bernardino, where he bought mules, paying \$200 each in gold. These same mules were afterward captured or killed

by the Indians while I was in the Territory. The country being overrun by Indians, it was impossible to carry on successful mining operations without the aid of the military.

Although strenuous efforts were made by the military to suppress Indian depredations, they did not succeed. Had the military been successful the losses of our company would have been inconsiderable. Had it not been for the Indians this mining enterprise would have been a great success, and been the means of developing that whole district of country.

I left Arizona in April, 1868, owing to the danger from Indians. I have been well informed as to the condition of things in Arizona since I left there, and heard of the burning of the mill and other buildings soon after it occurred in July, 1869.

From what I have seen of mining operations I do not think the losses of this company at the Bully Bueno mine were less than \$300,000.

I have been employed by two other companies as assayer. The Bully Bueno mine, if successfully worked, is considered the best in Arizona.

CHAS. ALLMENDINGER.

Sworn and subscribed before me, prothonotary of the court of common pleas, this 14th day of December, 1871.

[SEAL.]

J. A. LOUGHRIDGE,
Prothonotary Court of Common Pleas.

K.

Affidavit of Richard C. Bates.

Richard C. Bates, of Haddonfield, Camden County, New Jersey, upon first being duly sworn, deposes and says: I am thirty-five years of age; I left Philadelphia on the 10th day of April, 1837, in the employ of Maj. E. W. Coffin, superintendent of the Walnut Grove Gold-Mining Company, my destination being the Bully Bueno mine, sixteen miles from Prescott, Ariz.; where the said company was carrying on mining, and had erected a 20-stamp quartz-mill and six other buildings. Major Coffin bought a mule-train in California, of which I took charge, and started, with three wagons, from San Pedro, on the 21st day of June, 1867. These wagons were loaded with about \$11,000 worth of merchandise. I experienced a great deal of trouble on the road to Prescott from Indians, as they had poisoned some of the water-holes on the road and made several attacks, and we were greatly delayed on the trip. I arrived with the train at the Bully Bueno mine on about the 6th of August, 1867. The next day we had a fight with Indians at the mill. I then took the mules, and also the horses that were at the mill, to the company's farm, where, on the 13th of August, 1867, the Indians attacked us, killed one man, and drove off all the stock. I was on the herd that day myself. The Indians were hanging around the mill all the time, stealing every article chancing to be within their reach, and killing men and running off stock during all the time I was there. It was impossible to travel, haul in supplies, or work the mine without military protection, which the company never got while I was in Arizona. Major Coffin was totally unable to purchase any teams to carry on the work without going back to California, and as he had never been able to secure military protection he had scarcely any hope of keeping any stock at that time. He went to Philadelphia in August, 1867, leaving about fifteen men to guard the mill. I remained there in the employ of the company. We did not attempt to work the mine that winter, as it was necessary for all the force at the mill to protect it, and even then we never felt safe. No further work was carried on. It was very difficult to employ men to guard the mill, as the Indians were getting more dangerous every day, emboldened by their many successes. On the 9th of July, 1869, they attacked the mill, and the party stationed there being too small to hold out against the Indians, they drove off the force, some going to Prescott and some to Walnut Grove. They burned the mill and all the other buildings and destroyed all the property they did not carry off. I returned to my present residence in 1869.

RICHARD C. BATES.

Witnesses:

EDWARD C. SHINN,
ROBERT BATES.

STATE OF NEW JERSEY,
Camden County, ss:

Sworn and subscribed by the said Richard C. Bates before me, this 18th day of December, A. D. 1871. Witness my hand and official seal.

[SEAL.]

JOHN W. CAIN, Clerk.

L.

Affidavit of E. Winslow Coffin.

E. Winslow Coffin, residing at Glendale, Camden County, New Jersey, upon first being duly sworn, deposes and says: I was employed in May, 1866, by the Walnut Grove Gold-Mining Company of Arizona as book-keeper. My father, Edward W. Coffin, being superintendent, I accompanied him to that Territory, arriving there about August 1, 1866. Previous to our leaving Philadelphia the superintendent was instructed to proceed to investigate the case, and if, in his opinion, it was safe to erect the mill and prosecute the operations of the company, to do so; if not, to store the machinery, merchandise, &c., belonging to the company. After due consultation with the military and civil authorities of the Territory, and upon full assurance that we were to be protected by the military force of the district, we commenced the erection of the mill. The superintendent reported to the company in Philadelphia that he had secured promises of protection that satisfied him, and, as the mine was rich and the facilities for working it good, he would proceed to operate the enterprise at once. He drew on the company for moneys, and sent to San Francisco for a full stock of provisions, chemicals, supplies, mules, wagons, &c. In the mean time we employed a force of about forty men, and commenced the erection of the mill and other necessary buildings. We depended upon pack-animals to supply us until the supplies from San Francisco arrived.

Scarcely a week passed that we were not molested by Indians, and all this time making earnest appeals to the commander of the district for protection, and received many promises of aid. One train, when within ten miles of the mill, was attacked by Indians, and three teamsters killed and the whole train captured. I spent two weeks riding over the country endeavoring to employ teams to haul our ore to the mill, which was then ready to commence crushing, and succeeded in securing teams at two different times, but on both occasions Indians prevented the fulfilment of their contract. It was impossible to get the ore to the mill (half a mile) without teams. After all these disasters, and the failure to establish a military camp at our mill, Edward W. Coffin came East, leaving me in charge of the enterprise. He returned in the following July, having secured more means to prosecute the enterprise. During the superintendent's absence several men were killed, and all our mules and horses captured by Indians. A few days after his return the superintendent returned to Philadelphia again, and left me to run the mill during his absence. I had thirty-four head of mules and horses, but within two days after his departure the Indians attacked and captured every one of them, and killed the herders. After this misfortune I employed nine men and left them in charge of the mill, and started to San Francisco to put myself in communication with the company. Soon after I was ordered to return, and arrived in Philadelphia in November, 1867. The expenses of the company were about \$300,000, and the buildings erected at the Bully Bueno mine, and which were burned July 9, 1869, by Indians, were very valuable.

E. WINSLOW COFFIN.

Sworn and subscribed before me, this 28th day of May, 1872.

[SEAL.]

J. A. LOUGHRIDGE,

Prothonotary of the Court of Common Pleas for the City and County of Philadelphia.

M.

Affidavit of S. S. Grant.

S. S. Grant, of Saint Louis, Mo., being duly sworn, deposes and says: On December 7, 1864, I sold to George H. Vickroy, superintendent of the Walnut Grove Gold-Mining Company, of Arizona, one hundred mules at \$200 each, four mules at \$250 each, three horses at \$250 each, and one horse at \$200, and one horse at \$275; that said mules and horses were fully worth the amounts paid to me; and that after I made said contract to deliver said stock to George H. Vickroy I could have sold the same for more money, as prices were daily advancing. That on January 26, 1865, I sold to George H. Vickroy the balance of the mules for the said company, to transport their wagons to Arizona, at \$250 each, and that all of the said mules were fully worth the prices paid by said company to me at the time of said sales.

S. S. GRANT.

Sworn to and subscribed before me, this the 9th day of November, 1872.

[SEAL.]

WASHINGTON HENDRICKS,

Notary Public of Saint Louis County, Missouri.

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

Your petitioners, citizens of the States of Pennsylvania and New Jersey, respectfully represent that they are the trustees of a mining company organized in the year 1864, and known at that time as the Walnut Grove Gold-Mining Company, of Arizona. The individuals composing said company having, at the time above mentioned, full written assurances from General James H. Carlton, then commanding the Military District of Arizona and New Mexico, that should we send to the Territory of Arizona a quartz-mill, machinery, supplies, &c., for opening and working our mines, we should have ample military protection and support, as at that time the Government of the United States, as well as the citizens of the Territory, were anxious to aid and assist any enterprise looking to the settlement of the country and the development of its rich mineral resources, at heavy expense, as the accompanying affidavits and papers will show, we equipped an expedition most thoroughly with everything necessary to insure the success of the enterprise.

Our quartz and saw mills, steam-engine, boilers, mule-train, &c., finally arrived at its destination in September, 1865, sixteen miles from Prescott, the then seat of government of the Territory. Up to this date our expenditures had been about \$100,000, exclusive of the mines and lands upon which the mills and other improvements were located.

And we further represent that our agents had repeated assurances of military protection from the several military officers who commanded that district during our efforts to maintain our operations there, and that said assurances of protection from Indian depredations induced us to continue to contribute money from time to time, during four years, as often as the Indians robbed us of our property and obstructed our operations, until July 9, A. D. 1869, when the Indians made their final attack, driving off the men in charge of the property, and burning the mill and other buildings, together with all the wagons, mining-tools, chemicals, and supplies, which, at that time, had cost the company about \$300,000.

Your petitioners further represent that they would not have undertaken this enterprise in the first instance but for the guarantee of protection from the then district commander, nor would we have continued to expend our means after each succeeding Indian raid but for the renewed assurances of protection from the military authorities in Arizona. And we further represent that we now desire to resume operations at our mines, and that a flourishing settlement has grown up in that vicinity (the settlers having been attracted there by the wealth of newly-discovered gold-mines), and that we now feel safe in rebuilding and commencing operations. And we further respectfully represent that a number of the original subscribers to this enterprise invested all they could command in it, on the strength of the assurances of the protection above recited, and are unable to meet further assessments on them.

We therefore most respectfully petition Congress to reimburse our said company for the losses sustained from the said Indian outrages, believing our claim right and equitable, and that the Government will, in a few years, be amply remunerated by the development of that district of the Territory, which will doubtless be the result of the rebuilding our mill and working the mines.

The principal mine which we own, and upon which our mill and buildings were erected, is known as the Bully Bueno mine, and is one of the best known, and, we believe, one of the richest in the Territory.

J. G. FELL,
EDWARD HOOPES,
GEORGE BURNHAM,
Trustees.

PHILADELPHIA, PA., December 27, 1871.

HOUSE OF REPRESENTATIVES,
Washington, D. C., January 8, 1872.

As governor of the Territory of Arizona, resident at Prescott at the time this company entered upon its important enterprise, I am familiar with many of the facts set forth in the foregoing statement. I am aware that the company, at heavy expense, brought to the Territory extensive and valuable machinery, and counted upon military protection in its effort to develop one of the most promising gold-lodes; that said protection was not provided, and that for want of it the Indians, being active and increasing in their hostilities, the company was constantly embarrassed in its operations, and ultimately suffered the complete loss of its machinery, buildings, &c., &c., at their hands.

I consider the claim for relief by Congress just and entitled to prompt consideration.

E. C. McCORMICK,
Delegate from Arizona.

I know Mr. Fell personally, and Messrs. Hoopes and Burnham by reputation, so that I do not hesitate to commend their statements as worthy of entire confidence, as they are all men of the highest business character and reputation.

I am personally acquainted with Mr. Edward Hoopes, and with Mr. Fell by reputation. Both of them are eminent business men in Philadelphia, and stand high in the estimation of the people as business men of high character and unimpeachable integrity and veracity.

W. TOWNSEND.

From a personal knowledge of the gentlemen named in the above memorial, I fully indorse their character for veracity, reliability, and moral standing.

A. C. HARMER.

I concur in all the foregoing, having personal knowledge of all the gentlemen named.

WM. D. KELLEY.

I am well acquainted with the gentlemen who signed the above petition. They are among our best citizens in Philadelphia and I ask for them the most intelligent and earnest consideration.

LEONARD MYERS.

I concur in the testimony of Hon. L. Myers.

JOHN W. HAZELTON.

A residence, as a member of the judiciary of Arizona, of more than two and a half of the last three years, part of the time at and near Prescott, proximate to the Walnut Grove mine, above described, enables me to say that nearly all the facts stated in the foregoing memorial are true and of "public notoriety" in that Territory, many of the said facts having passed under my official scrutiny. Long residence in this city, and intimate personal acquaintance with the above-named memorialists, enable me also to say that they are, without exception, men of unquestionable integrity and respectability, and I take pleasure, therefore, in thus recommending their memorial, as above presented, to the most favorable consideration of the Federal Government and its officers.

JOHN TITUS.

PHILADELPHIA, *September 26, 1872.*

O.

[For Exhibit O see "Schedule of property," &c., on page 2.]

P.

PRESCOTT, ARIZ., *July 16, 1869.*

GENTLEMEN: I have to report that on the morning of the 9th instant, at about 2 o'clock, the Indians made an attack on us at the Bully Bueno mine. I had a night-guard of two men in the mill, but before they could give the alarm the Indians had set fire to the mill and two other buildings, by piling up shavings from the shingle-shop against the outside of the three buildings. There was a large pile of shavings where we had been making shingles; these the Indians piled against the buildings, and fired them before the guard discovered their presence. We made every effort to save the property and resist the attack, and about sunrise we discovered that the Indians were in such large force that it was impossible to resist them, and we concluded to abandon the premises. The men scattered in all directions, some taking refuge at Walnut Grove and others at Prescott. I went to Prescott, and on the 12th employed six men to accompany me to the mill, where I found everything in ruins; the mill, all the houses, wagons, harness, hay, and grain burned up, nothing left but some of the heavy machinery. We remained two days at the ruins and took an inventory of the property that was not destroyed, which consisted of one mortar, twenty stamps, twenty-three dies, seven stamp-stems, one spur-wheel, sixteen cams and cam-shafts. All the balance of the machinery was entirely ruined. The three boilers were broken in two and badly smashed. The copper plates, engine, saws, belting, and all the

smaller machinery were completely destroyed. I do not think that any of the machinery can be used for any purpose except that above enumerated, and probably a great deal of that cannot be made serviceable. When we rebuild the mill I think it would be better to have everything new, and not depend on any of the above-mentioned machinery, as I do not believe it will be true and in working order. I will leave here in a short time, and just so soon as I can will be in Philadelphia and tell you much better than I can write it.

Yours, very respectfully,

JAMES A. FLANAGAN.

Messrs. FELL, HOOPES & BURNHAM.

Q.

PRESCOTT, ARIZ., *September 11, 1869.*

DEAR SIR: In the matter of Basham suit against your company, we had an appraisal made of such property as was not destroyed by the Indians at the Bully Bueno, as follows:

20 stamps, at \$150	\$3,000
1 mortar	700
23 dies, at \$50	1,150
7 stamp-stems, at \$400	2,800
1 spur-wheel	900
16 cams, at \$100	1,600
1 cam-shaft	380

10,530

Yours, very respectfully,

I. C. CURTIS.

G. H. VICKROY,
1502 North Eleventh street, Philadelphia.

Know all men by these presents that I, George H. Vickroy, of the Territory of Arizona for and in consideration of the sum of one dollar, to me paid by Joseph Gillingham Fell, Edward Hoopes, and George Burnham, all of the city of Philadelphia, in the State of Pennsylvania, at the execution hereof, the receipt whereof is hereby acknowledged, as also in consideration of certain other valuable inducements, agreements and stipulations, now entered into between the said grantor and grantees, have granted, bargained, sold, released, and confirmed, and by these presents do grant, bargain, sell, release, and confirm, unto the said Joseph G. Fell, Edward Hoopes, and George Burnham, and the survivors and survivor of them, and the heirs and assigns of each survivor, all the estate, right, title, interest, property, claim, and demand whatsoever which I, the said George H. Vickroy, have or hold in and to all those certain mining rights, discovery claims, and privileges on the southwestern quartz-lead, and the pre-emption claim to a ranch (160 acres) and its appurtenances on Hassayampa Creek, situated in the Walnut Grove mining district, in said Territory of Arizona, said discovery claims and extensions amounting in all to fifteen hundred feet, as the same are recorded in the recorder's office of said district and Territory, or assigned to me by other parties in the following books and pages, viz, discovery claim in my name, of date May 19, 1864, Book A, page 20; also claim in my name, May 19, 1864, being extension of above, recorded in Book A, page 20; assignment of their claims to me by James C. Neil, William Smith, and R. I. Osburn, dated May 28, 1864, recorded in Book A, page 25, together with all my title to the said lands, hereditaments, and appurtenances, to hold all of said lands, mining rights, minerals, and privileges unto the said Joseph G. Fell, Edward Hoopes, and George Burnham, the survivors and survivor of them, and the heirs and assigns of such survivors, forever.

In witness whereof I, the said George H. Vickroy, have set my hand and seal this first day of November, in the year of our Lord one thousand eight hundred and sixty-four.

G. H. VICKROY. [L. S.]

Sealed and delivered in presence of us—

CHAS. RHOADS.
E. W. BAILEY.

STATE OF PENNSYLVANIA, *City of Philadelphia:*

Before me, E. H. Bailey, notary public for the commonwealth of Pennsylvania, duly commissioned and sworn, residing in the city of Philadelphia, personally appeared

George H. Vickroy, and acknowledged the above and foregoing deed to be his free act and deed, and desires the same recorded as such.

In testimony whereof I have hereunto set my hand and affixed my notarial seal this 1st day of November, A. D. 1864.

[L. s.]

E. H. BAILEY,
Notary Public.

Whereas George H. Vickroy, by the annexed assignment, dated the 1st day of November last past (1864), did grant and convey unto Joseph G. Fell, Edward Hoopes, and George Burnham, and the survivors and survivor of them, and the heirs and assigns of such survivor, all the estate, right, title, interest, property, claim, and demand whatsoever of him, the said George H. Vickroy, of, in, and to all those certain mining rights, discovery claims, and privileges on the southwestern quartz-lead, and the pre-emption claim to a ranch (160 acres) and its appurtenances on Hassayampa Creek, situated in the Walnut Grove mining district, in the Territory of Arizona, said discovery claims and extensions amounting in all to fifteen hundred feet, as the same are recorded in the recorder's office of said district and Territory, or assigned to him by other parties, in the following books and pages, viz: discovery claim in his name, of date May 19, 1864, Book A, page 20; also claim in his name, May 19, 1864, being extension of above, recorded in Book A, page 20; assignment of their claims to him by James C. Neil, William Smith, and R. I. Osburn, dated May 23, 1864, recorded in Book A, page 25.

Now, therefore, know all men by these presents that they, the said Joseph G. Fell, Edward Hoopes, and George Burnham, do hereby acknowledge, testify, and declare, and do, for themselves respectively, their respective heirs, executors, and administrators, covenant, promise, and agree to and with the persons forming a certain association known as the Walnut Grove Gold-Mining Company, of Arizona, that they, the said Joseph G. Fell, Edward Hoopes, and George Burnham, have taken and accepted the said assignment and transfer of mining rights and privileges, and do stand seized thereof in trust for the sole use and behoof of the said association or mining company, and that they, the said trustees, and the survivors and survivor of them, or the heirs and assigns of such survivor, shall and will grant, convey, and assure the said mining rights and claims, and all their estate therein, unto the said association or company, so soon as the same shall be duly incorporated according to law by its proper corporate name and title, for the general use and benefit of all the stockholders therein, according to their respective proportions of capital invested therein.

In witness whereof the said parties to these presents have hereunto set their hands and seals this twenty-second day of December, in the year of our Lord one thousand eight hundred and sixty-four (1864).

J. G. FELL. [L. s.]
EDWARD HOOPES. [L. s.]
GEORGE BURNHAM. [L. s.]

Witness present:

C. D. COLLADAY.

On the 22d day of December, A. D. 1864, before me, the subscriber, a notary public in and for the State of Pennsylvania, residing in Philadelphia, personally appeared the above-named Joseph G. Fell, Edward Hoopes, and George Burnham, and in due form of law acknowledged the above and foregoing declaration of trust to be their act and deed, and desired the same as such might be recorded.

Witness my hand and official seal the day and year aforesaid.

[L. s.]

C. D. COLLADAY,
Notary Public.

R.

Edward Hoopes, of Philadelphia, one of the trustees of the "Walnut Grove Gold-Mining Company, of Arizona," deposes and says: That in November, 1864, when the said company was organized, he made the purchases—dry-goods, groceries, boots, shoes, blankets, tools, &c.—in Philadelphia, by direction and authority of said company, and, as disbursing agent for the same, paid for the said goods when purchased.

He further states that the bills for said goods were sent to Arizona, and reported to be destroyed at the time their buildings were burned and other property destroyed in Arizona, in July, 1869, and, therefore, he cannot furnish an itemized account of said purchases; and as several of the houses from whom the goods were purchased have retired from business, he is unable to duplicate said bills; but finds, in referring to his cash account, that the total amount of said disbursements was \$16,156.14, all of which were shipped to Leavenworth, Kansas, where their teams were outfitting. He further

states that it was the determination of the company, at its organization, to furnish whatever of supplies that should be necessary to successfully prosecute their mining enterprise. And he further states that each and every call upon them by their agents in charge for supplies was promptly responded to; and he knows, from having conducted the correspondence with the agents of said company in Arizona, that said supply of goods was, from time to time, largely augmented during the four years they were prosecuting their mining operations.

EDWARD HOOPES.

STATE OF PENNSYLVANIA,
City and County of Philadelphia, ss:

I, C. E. Morgan, jr., a notary public of the State of Pennsylvania, residing in the aforesaid city and county, do hereby certify that Edward Hoopes, who subscribed to the foregoing affidavit, and affirmed to the same personally, appeared before me, in said city and county, and having first been duly affirmed according to law, did depose and say that the foregoing affidavit was, in every respect, just and true.

EDWARD HOOPES.

Affirmed and subscribed to before me this 12th day of August, A. D., 1873.

[SEAL.]

C. E. MORGAN, JR.,
Notary Public.

S.

I, EDWARD W. COFFIN, am forty-eight years of age, and reside at Glendale, Camden County, New Jersey.

In the years 1866 and 1867 I was superintendent of the Walnut Grove Gold-Mining Company, of Arizona.

To the best of my knowledge the following sums of money were furnished by the company and expended by me for their purposes during my connection with it:

June, 1866, eleven thousand dollars	\$11,000 00
October, 1866, seventeen thousand five hundred dollars	17,500 00
December, 1866, six thousand dollars	6,000 00
February and March, 1867, two thousand five hundred dollars	2,500 00
May, 1867, sixty-four thousand seven hundred and fifty dollars	64,750 00
August, 1867, debts due and contracted by me	26,000 00

127,750 00

E. W. COFFIN.

Sworn and subscribed before me this 4th day of March, 1873. Witness my hand and the seal of the supreme court of Pennsylvania, at Philadelphia, this 4th day of March, A. D. 1873.

[SEAL.]

JAMES ROSS SNOWDEN,
Prothonotary.

T.

WIGGO M. JENSEN deposes and says that he is 34 years of age, and a practical miner by profession.

That from the year 1859 to the year 1869 he was engaged as a mining expert a portion of the time, and superintendent of three large mining enterprises the balance of that time, in the mining districts of California and Nevada, and that he is well acquainted with the cost of working and operating gold and silver mines, the kind of machinery requisite, and buildings necessary to successfully carry on mining operations.

He further states that he visited Arizona in the spring of 1869, for the purpose of examining the gold-mines in the vicinity of Prescott, and at the Bully Bueno mine on Turkey Creek, 16 miles from Prescott, he saw the extensive works belonging to the Walnut Grove Gold-Mining Company, and examined the mines and the company's works; that the ores of this mine are among the best he ever saw, and that the twenty-stamp mill had all the modern improvements for desulphurizing, panning, and saving gold, and which was inclosed in a building 160 feet front by 200 feet deep; that there were 5 other buildings there belonging to the company—a store house, 26 feet front and 58 feet deep; a superintendent's house, 30 feet front and 40 feet deep; a boarding-house

26 feet front and 60 feet deep; a blacksmith's, and carpenter-shop, and office. He further says that he has carefully examined the printed schedule of prices to the property destroyed by the Indians in 1869, above described, and as sworn to by G. H. Vickroy (see Ex. Doc. No. 95, Forty-second Congress, third session), and knows of his own knowledge that the prices stated in said schedule are not exorbitant; and further, that he does not believe that the buildings referred to and above described could have been placed there by contract for the sum stated; and that he knows of many others, in other localities, where the building-materials and other necessary appliances, the price of labor, provisions, &c., are quite as favorable, have cost largely in excess of the prices stated.

He further says the machinery and fixtures referred to above were first-class, and the buildings were substantial, and everything complete for carrying on large mining operations.

W. M. JENSEN.

DISTRICT OF COLUMBIA,
Washington County, ss:

On this 12th day of June, A. D. 1873, before me, the subscriber, a justice of the peace in and for the county aforesaid, personally appeared Wiggo M. Jensen, who, being sworn according to law, did depose and say that the several statements contained in the foregoing deposition, and hereto annexed, are just and true to the best of his knowledge and belief.

W. M. JENSEN.

Sworn and subscribed before me,
[SEAL.]

JOHN T. C. CLARK, J. P.

U.

Benj. F. Akers, of Lawrence, Kans., upon being duly sworn, says:

I have been engaged in freighting across the plains and dealing in mules and horses for more than ten years. In January, 1865, Geo. H. Vickroy, of Arizona, brought a large drove of mules from St. Louis to Leavenworth City, Kans., where I then resided, and rented my stable and corral. During the time he was preparing to start for Arizona, nearly two months, he kept his mules in my stable and corral, and I saw them nearly every day. He had about two hundred and sixty mules. I was at that time buying mules, and was familiar with the prices. I do not think I ever saw as fine a lot of mules, and know they would have sold readily for from two hundred to two hundred and fifty dollars each in Leavenworth at that time. I do not think there was a mule in the train that would not bring at auction two hundred dollars.

B. F. AKERS.

DISTRICT OF COLUMBIA,
County of Washington, ss:

Sworn and subscribed before me this 21st day of March, A. D. 1873.

JOHN H. JOHNSON, [SEAL.]
Justice of the Peace.

V.

I, Bodine Peterson, am 33 years of age, and at present reside at the corner of 11th and Mt. Vernon streets, Philadelphia. In the summer of 1866 I was in Prescott, Ariz., and was employed by Major Coffin, superintendent of the Walnut Grove Gold-Mining Company, to assist in the erection of a 20-stamp quartz-mill on Turkey Creek, in that Territory. The mill had been brought into the Territory by Mr. George H. Vickroy. I remained in the employment of the company over a year, during which time the Indians were very troublesome, and the company suffered heavy losses from the constant interruption of their business, besides the immense loss sustained by the killing and running off of their live stock. A number of the employes of the company were killed in the discharge of their duty while I was employed by the company, and others before I went into the country and after I left it. I know that military protection was promised the superintendent, but, to my knowledge, he never succeeded in obtaining it in a single instance.

I was not in a position to enable me to know the amount of loss sustained by the company, but it must have been very heavy, and I am entirely satisfied if the promised military protection had been furnished the greater part or all of it could have been avoided, and the mine (which is doubtless very rich) would have been operated to a profit.

The mill and necessary buildings were entirely finished and ready to commence operations when the last train of wagons and materials were brought in by Major Coffin, but unfortunately the whole herd of animals were driven off by the Indians and the herders killed. Soon after that I left the employment of the company and returned to California; soon after which the Indians burned the mill and destroyed the entire property of the company.

BODINE C. PETERSON.

STATE OF NEW JERSEY,
Camden County, ss:

Sworn and subscribed to before me, clerk of the court of common pleas of said county, as witness my hand and official seal this third day of March, anno Domini eighteen-hundred and seventy-three.

JOHN W. CAIN,
Clerk.

W.

STATE OF MISSOURI,
County of Saint Louis, ss:

I, John B. Slack, of Saint Louis, Mo., aged fifty-three years, by occupation a carpenter and builder, upon being sworn before the clerk of the county court of Saint Louis County, state as follows:

I joined the mule-train of the Walnut Grove Gold-Mining Company, at the Point of Rocks, six miles from Prescott, Ariz., about the 15th of September, 1865, and assisted in making the road from there to the Bully Bueno Mine, where I then resided. After arriving at the mine we immediately commenced preparations for the erection of the 20-stamp quartz mill, saw-mill, and other buildings. I took the contract for getting out all the timber for both mills, and after filling my contract I continued in the employ of the company nearly four years, until the mills and other buildings were burned by the Indians in July, 1869.

I have examined the schedule of property destroyed, filed by the company in printed Executive Document No. 95, Forty-second Congress, third session, and can say positively that the charge for buildings is not exorbitant. I went to California in 1849, and remained in the mining districts of the Pacific coast until 1871, and am familiar with the cost of erecting buildings and machinery, and in no instance in an experience of 22 years have known a 20-stamp mill inclosed in a suitable building, as that was, at a cost as little as \$118,000.

All the buildings in said schedule are estimated at less than the selling price of the lumber in them, and had this company's affairs been managed with the usual prodigality practiced in mining countries, the cost of the buildings would have been two or three times greater.

In addition to the economy used, the company brought with them from the States their own teams, tools, and supplies, and many of their workmen, which, together with the saw-mill, enabled them to do their work for easily one-half what it would have cost if they had given it out by contract.

I was on the ground during most of the time of their operations in Arizona, and feel safe in saying from my own personal knowledge, that their claim as itemized in said schedule is just and reasonable, and can name more than fifty mills in California and Nevada having no better or no more extensive machinery, and with fewer out-buildings and those inferior to the houses at the Bully Bueno, which have cost from double to five times the amount claimed by the Walnut Grove Gold-Mining Company.

JOHN B. SLACK.

Subscribed and sworn to before me, this eighth day of November, 1873.

[SEAL.]

F. C. SCHOENTHALER,
Clerk County Court.