

WILLIAM E. DAUGHERTY.

LETTER

FROM

THE SECRETARY OF THE INTERIOR,

RELATIVE TO

The claim of William E. Daugherty on account of depredations alleged to have been committed by Sioux Indians.

FEBRUARY 13, 1872.—Referred to the Committee of Claims and ordered to be printed.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., February 10, 1872.

SIR: I have the honor to transmit herewith a copy of a communication from the Commissioner of Indian Affairs, together with the accompanying papers, relative to the claim of William E. Daugherty on account of depredations alleged to have been committed by Sioux Indians in 1869.

In view of the facts, and concurring in the views stated by the Commissioner, the claim is respectfully submitted to Congress for such action as by that body may be deemed proper.

Very respectfully, your obedient servant,

B. B. COWEN,
Acting Secretary.

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

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, D. C., February 9, 1872.

SIR: I have the honor to transmit herewith, for your decision, a claim of William E. Daugherty, on account of a depredation alleged to have been committed by Sioux Indians in 1869.

From the testimony submitted in support of the claim, it appears that claimant was engaged, in 1869, in fulfilling a contract entered into between himself and R. R. Livingston, United States surveyor general for Iowa and Nebraska, and that on the 29th of August his camp was attacked by Sioux Indians, supposed to be from the Whetstone agency; that the surveying party put the Indians to flight, the only injury sus-

tained at the time being the wounding, badly, of one horse; that the camp was immediately broken up, and an effort made by claimant's party to reach the North Platte; that they were followed by increasing numbers of the Sioux, who made an attack again upon them in a hastily-fortified position; and that about 10 o'clock p. m. of the same day, the Indians having disappeared, the party abandoned their fortification, leaving their two wagons, their tents, blankets, provisions, tools, "and everything" but their guns, ammunition, and compasses, the Indians having previously obtained possession of the three horses and three mules in use by the camp.

Claimant deposes that he was robbed on the occasion of this attack of his "entire outfit," consisting of property—an itemized statement of which he gives, with the value of each item—amounting in value to \$2,208 25, and he adduces in support of his claim the testimony of several persons who were in his employment at the time.

Having carefully examined the papers in the case, I am of the opinion that the charge against the Sioux Indians by Mr. Daugherty is sustained. Although the property was not—except in respect to the horses and mules—technically captured by the Indians within the view or knowledge of any of the persons testifying in reference thereto, yet I hold that the evidence adduced proves that the property was abandoned in consequence of a hostile attack, and with sufficient reason therefor, and not as the result of an unreasonable fear and panic. The chiefs and head-men of "Whistler's" band of Ogallalla Sioux fully acknowledge the depredation having been committed by their people.

The property claimed to have been lost consisted, it appears, of articles in kind, quantity, and numbers, such as would fairly be required by a surveying party like that of claimant's. Was it worth in the aggregate the sum (\$2,208 25,) as stated in the affidavit of William E. and John W. Daugherty? Upon this point the testimony is not satisfactory. One of the deponents, John T. Cardwell, testifies in general terms that the property lost was "about the value of \$2,300." Silas Ward and Allen Develing merely subscribe to the affidavit of the Messrs. Daugherty, while John A. Steel, although fully testifying as to the particulars of the attack by the Indians, says nothing about the value of the property lost.

I should judge the prices affixed to most of the items in the claim to be reasonable, and that others are too high; for instance, \$250 each for the mules. The item of \$30 for a watch, I respectfully suggest, should not be allowed, as I see nothing in the nature or circumstances of the attack to explain the loss of such an article. I submit, therefore, whether a reduction of the amount (say one sixth) of the claim might not justly be made, and the claimant be allowed the sum of \$1,840 as a full compensation for his loss.

Very respectfully, your obedient servant,

F. A. WALKER,
Commissioner.

Hon. C. DELANO,
Secretary of the Interior.

CLAIM OF WILLIAM E. DAUGHERTY.

Affidavit of W. E. Daugherty and J. W. Daugherty.

We, William E. Daugherty, and John W. Daugherty, do solemnly swear that, while pursuing our duties as United States deputy surveyors, under contract No. 23, between

ourselves and Robert R. Livingston, surveyor general of the United States for the States of Iowa and Nebraska, were attacked on the 21st day of August, 1869, by a band of Sioux Indians, believed to belong to the Whetstone reservation, and, after defending ourselves for fourteen hours, to the best of our ability, were forcibly robbed of our entire outfit, necessary to prosecute our surveys, consisting of—

3 mules, valued at \$250 each	\$750 00
3 horses, valued at \$150 each	450 00
2 wagons, valued (1) at \$125, and (1) at \$100	225 00
1 tripod head and mounting for solar compass	50 00
1 tripod head and mounting for plain compass	25 00
2 surveyors' chains, at \$7 50 each	15 00
2 sets tally-pins, \$2 50 each	5 00
2 marking-irons, \$2 50 each	5 00
1 spade	4 00
2 axes, at \$2 50 each	5 00
1 log-chain	4 00
15 pairs of blankets, at \$6 per pair	90 00
1 tent	50 00
1 stove	15 00
1 saw	3 00
1 augur	1 00
5 rubber blankets, at \$3 each	15 00
1 silver English lever watch	30 00
2 buckets, at \$1 each	2 00
3 tin pans	5 00
8 water-kegs, at \$3 each	24 00
1 wagon-cover	4 00
1 set wagon-bows	3 00
6 picket ropes and pins, at \$1 50 each	9 00
2 sets double harness, at \$50 each	100 00
4 sacks flour, \$6 each	24 00
150 pounds bacon, at 25 cents per pound	37 50
50 pounds sugar, at 25 cents per pound	12 50
25 pounds dried apples	6 00
10 pounds tea, at \$2	20 00
25 pounds coffee	6 25
3 bushels beans	20 00
2 dozen boxes yeast-powders	9 00
20 pounds salt	1 00
3 pounds pepper	2 00
3 pounds mustard	1 50
5 cloth coats, at \$6 each	30 00
4 pairs pants, at \$3 each	12 00
8 pairs shoes, at \$3 each	24 00
18 shirts, at \$2 50 each	45 00
1 revolver	10 00
3 ounces quinine	4 00
Plates, tin cups, knives and forks, spoons, and coffee pot, valued at	11 00
2 saddles, valued at \$10 each	20 00
2 bridles, 1 at \$4, and 1 at \$1 50	5 50
1 tape-line	7 00
2 camp-kettles, at \$2 50	5 00
1 coffee-mill	3 00
1 mosquito bar	2 00
Tent-poles	1 00
Total	<u>2,208 25</u>

W. E. DAUGHERTY.
 JOHN W. DAUGHERTY.
 SILAS WARD,
Chainman.
 ALLEN DEVELING,
Axman.

On this 14th day of September, A. D. 1869, Silas Ward and Allen Develing, whose names are subscribed to the foregoing affidavit, personally appeared before me, and were duly sworn as to the truth of the said affidavit.

[SEAL.]

WATSON B. SMITH,
 Clerk United States Courts for the District of Nebraska.

On this 21st day of October, A. D. 1869, W. E. Daugherty, whose name is subscribed to the foregoing affidavit, personally appeared before me, and was duly sworn as to the truth of the said affidavit.

[SEAL.]

WATSON B. SMITH,

Clerk United States Courts for the District of Nebraska.

On this 13th day of November, A. D. 1869, personally appeared John W. Daugherty, whose name is subscribed, and after being duly sworn, according to law, that the within statement is true.

[SEAL.]

SILAS MOORE,

Notary Public for Dubuque County, Iowa.

Affidavit of John A. Steel.

I, John A. Steel, hereby certify that I was engaged with William E. and John W. Daugherty—deputy surveyors—from June, 1869, until October, 1869. On the morning of the 21st day of August, 1869, we started to our work—four of us going south, and two east—for the purpose of correcting a line. We left four men at camp. When our party (the one going south) had got about one and a half miles from camp, we heard firing and, looking back, saw men riding furiously about our camp. One of them came circling toward us. We saw at once that they were Indians, and that they had attacked our camp. We immediately returned to camp and learned that four mounted Indians had stampeded the stock, with the exception of one horse which one of the men happened to be riding. (He was taking them to water.) He being armed fired on the Indians, and succeeded in wounding one of them and keeping the others off. They fired at him with their revolvers as they passed him. One of their balls took effect in the shoulder of one of the horses, hopelessly crippling him. The Indians turned to look after their wounded comrade, and some of our men coming up, put them to flight, and forcing them to leave the stock behind. We got the stock together, and as one of them was so badly hurt by the Indians' shot we had to leave it. We then hitched the rest of the stock to the wagons (two in number) and concluded to go into North Platte and procure an escort before trying to finish the work. After going about two or two and a half miles from our camp, (being convinced that there were more Indians in the vicinity than we had seen, and being on the lookout for their reappearance,) we saw coming over a rise of ground, about one mile in our rear, about thirty Indians, mounted, and riding as fast as their horses could carry them. They were followed by others, and those by others, until the plain seemed to swarm with them. We saw at once that it would be utterly useless to try to go farther, so, having driven to the top of a little hill, we unharnessed the stock and consulted whether we should turn them loose or not. We finally concluded that by turning them loose the Indians would be attracted toward them for the time instead of ourselves, and thus give us time to intrench. We accordingly turned all of our stock loose—consisting of three mules and two horses, (not including the horse that was shot,) and the Indians immediately rushed after them and we were enabled during that time to throw up temporary breastworks. They then turned their attention to us. They displayed a white flag, but we paid no attention to it. After a while they began firing upon us; we returned their fire, and from that time, $8\frac{1}{2}$ o'clock a. m., until 8 o'clock p. m. of the same day, we were under their continual fire. They were well armed with carbines and revolvers, and seemed to have plenty of ammunition. They rode splendid horses and ponies, and were mostly dressed in new clothes. About $9\frac{1}{2}$ o'clock p. m. we concluded to leave our little fort, the Indians having by that time all disappeared. We crawled away, leaving our two wagons and our tents, blankets, provisions, tools, and everything but our guns and ammunition. We buried our compasses in the bottom of our pit; these were afterward recovered, but everything else was lost.

This statement is given of my own free will and accord.

JNO. A. STEEL.

UNITED STATES OF AMERICA, *District of Nebraska :*

Subscribed in my presence by the said John A. Steel, and by him sworn to before me this — day of January, 1870.

GEO. M. O'BRIEN,

United States Commissioner, District of Nebraska.

Affidavit of John T. Cardwell.

STATE OF NEBRASKA, *County of Lincoln :*

John T. Cardwell, of North Platte, Nebraska, in said county, after being first duly sworn, on oath says: That on the 21st day of August, A. D. 1869, I was in the employ of W. E. Daugherty, sub-contractor for the survey of Government lands in the State of

Nebraska, and that on said 21st day of August, 1869, at a point about thirty-four miles south of Roscoe, on the Union Pacific Railroad, in Lincoln county, Nebraska, about 6 o'clock a. m., I took a team of horses and one wagon and went about one-half mile from camp with Allen Denebras, to get water. While there two Indians were discovered by me lying on the grass in the act of shooting their arrows at us. I got back of the wagon and raised my rifle; they then ran away over a hill. They returned and fired a pistol-shot on this affiant after I had mounted one of the horses to ride up the hill to see the direction they were going. Denebras and affiant returned to camp with five head of stock, (there being six head altogether,) one having been shot by the Indians, breaking his leg, leaving him in their possession. In going for water we generally took the stock. When we got to camp the entire surveying party got ready, and we made all possible haste toward the Platte river, as we suspected there were more Indians in that vicinity. Our suspicions were correct, as we had not traveled over two miles when we saw about one hundred and seventy-five Indians coming toward us, mounted on ponies. We found it was useless in moving farther, as they were gaining rapidly on us, and we decided to remain and build fortifications and await the result. We tied our stock to the wagons, but the yells of the Indians made them stampede and move our wagons, bringing us in close range to the Indians, so we were compelled to cut the picket-ropes and try and save our lives. "The fight" lasted, on and off, all day, till 8 o'clock p. m. of that day. About 10 o'clock p. m., when the Indians were quiet, we crawled through the grass a distance of about one mile; we then raised to our feet and walked and ran toward the South Platte river, reaching it about 11 o'clock a. m. of the 22d August, 1869, leaving at the camp all the property we had.

The property taken by the Sioux Indians, (and I am quite sure, though not positive, they were led by "Pawnee Killer" on the occasion named herein,) was of about the value of \$2,300, the property of W. E. Daugherty. He was the surveyor who hired affiant to assist said Daugherty.

JOHN T. CARDWELL.

Subscribed and sworn to by John T. Cardwell, who acknowledged before me that the foregoing facts stated are true.

Witness my hand and official seal at North Platte, Nebraska, this — day of February, 1870.

[SEAL.]

M. W. STONE,
Judge of Probate.

Affidavit of Leon F. Pallardy.

Personally appeared before me, William C. Forbush, lieutenant and adjutant Fifth Cavalry, Leon F. Pallardy, who, being duly sworn, deposes and says: That on or about the 13th day of October, 1869, the old squaw prisoner, taken by General Duncan, did say to him that Pawnee Killer and Whistler, of the Ogallalla band of Sioux, were the party that attacked Daugherty, burnt the wagons, and took the animals with them to camp. The same Pawnee Killer was on the reservation at the time the prisoner was delivered.

LEON F. PALLARDY.

FORT MCPHERSON, NEBRASKA, April 17, 1870.

Sworn to and subscribed before me this 17th day of April, 1870, at Fort McPherson, Nebraska.

W. C. FORBUSH,
Lieutenant and Adjutant Fifth United States Cavalry.

Copy of acknowledgment of Sioux chiefs and head-men, and of certificate of J. M. Washburn.

We, the undersigned, chiefs and head-men of the Ogallalla band of Sioux Indians, hereby acknowledge to have committed depredations on the property of W. E. Daugherty, in the month of August, 1869.

PAWNEE KILLER, his x mark.

WAR EAGLE, his x mark.

Whistler's Band of Ogallalla Indians.

Witnesses to the depredations:

SPOTTED TAIL, his x mark.

BLUE TOMAHAWK, his x mark.

We, the undersigned, certify that we were present when the foregoing admission was made by the Indians, and that their marks were affixed after it was fully explained to them by the interpreter.

J. M. WASHBURN,
United States Indian Agent.
ROBERT COX.
JOSEPH BISSMETTE,
Interpreter.

Letter from J. M. Washburn.

WHESTSTONE AGENCY,
Big White Clay, Dakota Territory, July 17, 1871.

SIR: I have the honor to inclose herewith papers relating to a claim of Mr. Daugherty, for depredations committed on his property in 1869.

The Indians remember the transaction perfectly well, and have, in open council, acknowledged committing the depredations for which Mr. Daugherty claims payment.

Inclosed you will find the acknowledgment, signed by the prominent men of the band, whose marks are witnessed by my interpreter, myself, and others, whose presence I considered necessary at the council.

Very respectfully, your obedient servant,

J. M. WASHBURN,
United States Indian Agent.

Hon. P. W. HITCHCOCK,
United States Senator, Omaha, Nebraska.

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