

1-28-1874

Report : Petition of M. Wright

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IN THE SENATE OF THE UNITED STATES.

JANUARY 28, 1874.—Ordered to be printed.

Mr. WRIGHT submitted the following

REPORT:

The Committee on Claims, to whom was referred the petition of Matthew Wright, asking relief for destruction of property by the Sioux Indians in 1862 and by soldiers in 1865-'66, after due consideration submit the following report :

Petitioner claims about \$5,000 as balance owing him for houses, barns, stables, and personal property burned and destroyed by the Sioux Indians in August, 1862, in the memorable massacre by those Indians that year in the State of Minnesota.

He also claims over \$4,000 for his mill, &c., destroyed by the soldiers of the United States in 1865-'66.

First.—As to the Indian depredations.

It appears by petitioner's own showing that he presented this claim to the commissioners appointed under the act of February 16, 1863, "for the relief of persons for damages sustained" by these depredations, and was awarded \$1,350, which he received. This award must be taken as conclusive upon petitioner's claim, unless he shows some good reason for avoiding it. None such is presented. It is true that he attempts to show that the testimony on that hearing was taken by but *one* of the commissioners, and that he was prejudiced against the claim; that he was assured by this commission that no such testimony was necessary; that his damages were much larger than the amount allowed him, &c. But when we refer to the act and see the specific provisions therein contained requiring care in the inspection of these claims; that the report had to be confirmed by the Secretary of the Interior; that the award was made by *all* the commissioners; that it was quite competent for *one* to take the evidence, (which had to be in writing;) and that there is nothing showing that the award was unfair under the evidence, nor that petitioner was deprived of a full opportunity to present his case—we say, when these things are remembered, it is most apparent that he has no just cause of complaint at this time. (See Report No. 5, in the case of John C. Darling, and No. 4, in Ant. Darling's case, at this session.)

Second.—Property destroyed by soldiers.

Without going into the case at length, it is sufficient for the present to say that there is no evidence as to the *value of the property so taken.*

At most, the Government would be liable, if for anything, for the value of certain logs used in building a small barrack and perhaps a stable. The petitioner introduces evidence tending to show the value of his mill-dam, water-power, and fixtures, all of which had been abandoned for several years, (and whether because of Indian dangers or otherwise is not material,) and upon such evidence insists that he is entitled to \$4,000 and over, though there is no pretense that the soldiers did more than to remove some of the logs, the worth or value of which is not shown.

In our opinion, the claim is not sustained, and the committee ask to be discharged from the further consideration of the petition.