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Powers & Newman and D. & B. Powers.

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POWERS & NEWMAN AND D. & B. POWERS.

DECEMBER 10, 1880.—Committed to the Committee of the Whole House and ordered to be printed.

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

REPORT:

[To accompany bill H. R. 6538.]

The Committee on Indian Affairs, to whom was referred House bill No. 5731, beg leave to submit a substitute therefor, and the following report:

It appears from evidence submitted to the Secretary of the Interior, that the train of Powers & Newman, loaded with government stores, was attacked while on its way from Fort Harker to Fort Wallace, by Cheyenne and Arapahoe Indians, July 12, 1867, and two mules were damaged to the extent of \$50 each; that on the 21st of the same month, when the train was on its return trip, it was again attacked by the same Indians, and that three mules were killed, valued at \$495, and seventeen wounded or disabled, three of them subsequently dying, worth \$495; that the remaining mules were damaged to the amount of \$70 each, making \$980, and that the wagons, wagon-covers, and harness were damaged to the amount of \$330; total loss, \$2,900.

The agent reports that, after a thorough investigation of all the facts in the case, the Indians in council admit the justice of the claim; and he adds also that he regards the claim as a just one.

The evidence is sufficient to justify your committee in recommending that Messrs. Powers & Newman be paid the sum of \$900, estimated value of the mules killed, six in number, but they fail to find sufficient evidence to establish the amount of damage done to the wagons, or the extent of the disability of the wounded mules, and therefore concur in the recommendation of the Commissioner of Indian Affairs that the items of alleged damages be disallowed.

The claim of D. & B. Powers was submitted to the department January 30, 1872. It appears from the evidence submitted that their train left Fort Harker on the first of September, 1867, for Fort Dodge, and that on the journey the Cheyenne and Arapahoe Indians made an attack upon them, killed two mules and wounded five, captured seven mules, one wagon, and harness for six mules. Amount claimed for this loss of property, \$2,275.

Claimants also allege that while in camp near Fort Wallace, September 7, 1868, and delivering hay under contract at that post, the Indians again made an attack upon their camp and captured sixty-two mules and four horses, which they valued at \$165 per head; total, \$10,890. Several witnesses testify as to the first branch of this claim. Affidavits submitted also show that four or five men were killed in this attack.

The value of the mules is placed at \$150 per head; wagon and harness, \$250.

As regards the second branch of this claim, your committee are of the opinion that the fact is clearly established that sixty-two head of mules and four horses were captured by the Indians, and that strong efforts were made, without avail, to recover them.

Your committee place the value of these mules also at \$150 per head, the lowest estimate submitted.

The Indians, in council, also admit this depredation.

Total amount of this claim is placed at \$11,300, made up as follows:

Seventy-one mules at \$150 per head, four horses at \$100 per head, wagon and harness, \$250.

Your committee would therefore recommend the passage of the accompanying substitute.