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Cyrenus Beers and others

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CYRENUS BEERS AND OTHERS.

APRIL 24, 1884.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. THOMAS G. SKINNER, from the Committee on Indian Affairs, submitted the following

REPORT:

[To accompany bill H. R. 5911.]

The Committee on Indian Affairs, to whom was referred the bill (H. R. 5911) for the relief of Cyrenus Beers or his personal representatives, and also the personal representatives of Vail & Robinson, having had the same under consideration, submit the following report :

The claimants, Cyrenus Beers and William S. Robinson and Solomon Vail, in the summer of 1866, were engaged in freighting goods across the Great Plains, and on the 18th of July, 1866, while engaged in fitting up a ferry-boat to enable them to cross the Big Horn River en route from Omaha, Nebr., to Virginia City, Mont., were attacked by a band of Sioux Indians, who stampeded all their teams and succeeding in taking away thirty-eight mules and one horse, the property of Cyrenus Beers, and thirty mules the property of Vail & Robinson. After this loss of team the said claimants were put to considerable trouble and expense to get their goods freighted to their destination, and they file the following bills :

The United States to Cyrenus Beers, Dr.

(July 18, 1866.)

To 38 mules, at \$250	\$9,500 00
To 1 horse	200 00
To hauling 18,240 pounds of freight from the crossing of the Big Horn River to Virginia City, at 9½ cents per pound	1,779 08
Wages of five men one month guarding the train, at \$100 a month	500 00
To board of seven men one month, at \$20 a week	560 00
To wages of Ruben C. Gray one month for going for train	100 00
To board of R. C. Gray one month	80 00

12,719 08

United States to Vail & Robinson, Dr.

To thirty mules at \$225	\$6,750 00
To hauling 24,500 pounds freight	2,388 75
To wages of men guarding train	500 00
To board for six men, &c	480 00
To wages for one man going after train	100 00
To board of one man two months	160 00

10,378 75

The evidence filed in this case and examined by your committee consists of the affidavits of the claimants Cyrenus Beers and William S. Robinson, corroborated by the affidavits of R. C. Gray, Jas. Sinclair,

Louis Richards, Battiste Penea, and four Indians named "Four Horses," "Buffalo Chief," "High Back Bone," and "Flat Iron," and fully prove that claimants were damaged to the amount they claim. They show by General Orders No. 27, of Maj. Gen. John Pope, and an order of Provost-Marshal William Staring, and an order of Capt. I. L. Proctor, that they were at the Big Horn River by direction of the military authorities, and by the said affidavits they show that they were acting at the time the depredations were committed in strict compliance with said orders.

United States Indian Agent V. T. McGillicuddy, of the Pine Ridge Agency, to whom these claims were referred, in his report to the Commissioner of Indian Affairs, says :

In finally returning the depredation claim of Cyrenus Beers and others to your office, I have the honor to report that after careful examination of the evidence, &c., I judge the claim to be a just and honest one, and well sustained ; and that the amount claimed is not unreasonable. I would recommend that the same be paid.

The Hon. H. Price, Commissioner of Indian Affairs, in a letter to the Secretary of the Interior, dated March 14, 1884, says :

After an examination of all the evidence presented in the claims, I am of the opinion the depredations were committed as alleged. I therefore recommend that claimant, Cyrenus Beers, be allowed the sum of \$9,700 for loss of his mules and horse. That Wm. S. Robinson and Solomon Vail be allowed the sum of \$6,750, payment in both claims to be made from funds belonging to Sioux of different tribes, including the Santee Sioux of Nebraska.

The Secretary of the Interior, in a letter dated March 17, 1884, transmitting these claims to Congress, recommends the allowance as set out in the above recited letter of Commissioner Price.

Your committee are of the opinion that the claimants ought to be paid for the horse and mules from the treaty funds of the Sioux Indians ; but they think that the estimate of the value of said horse and mules as made by Commissioner Price is too large, and that \$200 per head for said mules and horse is a fair valuation. Therefore they recommend that this bill be amended as follows :

In lines 5 and 6, strike out "twelve thousand seven hundred and nineteen dollars and eight cents" and insert "seven thousand eight hundred dollars."

In line 9 strike out "ten thousand two hundred and seventy-eight dollars and seventy-five cents," and insert "six thousand dollars."

Add to the bill the following :

"In full of all claims on account of said losses, to be paid from the treaty funds of the Sioux Indians of different tribes, including the Santee Sioux of Nebraska."

And that the bill so amended pass.

▲ A BILL for the relief of Cyrenus Beers or his personal representatives, and also the personal representatives of Vail and Robinson.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury of the United States be, and he is hereby, instructed to pay to the personal representatives of Cyrenus Beers the sum of seven thousand eight hundred dollars, and to the personal representatives of Vail and Robinson, a copartnership composed of Solomon Vail and William S. Robinson, the sum of six thousand dollars, for losses of horses and mules sustained by them from Indian raids at the crossing of the Big Horn River, Montana Territory, in July, eighteen hundred and sixty-six, in full of all claims on account of said losses, out of the treaty funds of the Sioux Indians of different tribes, including Santee Sioux of Nebraska.