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Report : Claim of G. Carlyle

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Recommended Citation

S. Rep. No. 70, 48th Cong., 1st Sess. (1884)

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IN THE SENATE OF THE UNITED STATES.

JANUARY 23, 1884.—Ordered to be printed.

Mr. CAMERON, of Wisconsin, from the Committee on Claims, submitted the following

REPORT:

[To accompany bill S. 375.]

The Committee on Claims, to whom was referred the bill (S. 375) for the relief of George H. Carlyle, have considered the same, and report as follows :

It appears that the claimant, on or about the 20th day of October, 1866, was freighting between Fort Kearney and Fort Sedgwick, Nebraska; that on the day mentioned, at a place distant about 20 miles from Fort Sedgwick, a war party of Sioux stampeded all his horses and mules; that information of this was sent to Fort Sedgwick, and a detachment of soldiers was immediately sent in pursuit of the Indians; that through the efforts of the military the mules and horses were all recovered, except 69 mules and 3 horses. The claimant asks compensation for the mules not recovered.

The Government has never recognized its responsibility for damages arising from Indian wars or incursions, either to individuals or States. In special instances presenting strong equities, compensation for such damages has been made; but no obligation to make such compensation has ever been recognized.

It appears from a letter from the Secretary of War to this committee that at the time of alleged loss of the mules—

Arappahoe, Cheyenne, Kiowa, Sioux, Ute, and other Indian tribes were engaged in hostilities in the vicinity of Forts Phil Kearney and Sedgwick, and other posts. The Fort Kearney massacre, so called, occurred on December 21, 1866, and for some time previous and subsequent to that event the Indians appear to have been in a state of hostility in the region of country controlled from the above-mentioned posts.

The claimant was therefore freighting in a hostile country, which he knew to be hostile, and in doing so ran his own risks. Moreover, it appears from the evidence that he had but one man on the night herd at the time the mules were stampeded. Considering the number of mules—nearly one hundred—and the hostile character of the country, this would appear to be gross carelessness.

The committee report back the bill, and recommend that it do not pass, and that the claim be disallowed.