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George Maxwell.

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Recommended Citation

H.R. Rep. No. 1459, 50th Cong., 1st Sess. (1888)

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GEORGE MAXWELL.

MARCH 27, 1888.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. WILLIAMS, from the Select Committee on Indian Depredation Claims, submitted the following

REPORT:

[To accompany bill H. R. 767.]

The Select Committee on Indian Depredation Claims, to whom was referred the bill (H. R. 767) for relief of George Maxwell, submit the following report:

The claimant, George Maxwell, on October 17, 1868, filed his claim, properly verified, before the Commissioner of Indian Affairs, against the Government of the United States, for the sum of \$13,100, in which claimant set forth that on August 19, 1868, he was in the employ of the Government of the United States, freighting Government goods to Fort Union, N. Mex., and that at a point on the Arkansas River known as Cimarron Crossing his train was attacked by a large band of Cheyenne Indians, capturing—

Sixty-two head of mules, which he values at \$209.03½ each.....	\$12,960.06
One horse, of the value of.....	200.00
Three saddles, of the value of \$18 each.....	54.00
Three bridles and picket ropes, worth.....	15.00
Wages and board of 12 hands for two months, guarding train.....	1,200.00
Loss from proceeds of said train for two months.....	3,200.00
Total.....	17,629.06

The two last items of the above account is based upon the ground that after his mules were captured he, under his contract with the Government, was compelled to send back for an outfit of mules to move his wagons to Fort Union, and that he had to employ twelve hands for two months guarding the train, and that the loss of time in being delayed of carrying out his contract was \$3,200. There is some show of equity in the claim, but it has been the universal policy of the Government to reject all claims for consequential damages, and the committee therefore refuses to further consider the items of \$1,200 and \$3,200 in said claim.

This claim has been carefully examined by the special agents under direction of the Commissioner of Indian Affairs. Three different reports have been made recommending payment of different amounts to claimant, and your committee has made a careful examination of said reports and the evidence filed, and find that there is no controverting the following statement of facts:

(1) That the claimant was in the employment of the United States, freighting Government stores to Fort Union, N. Mex.

(2) That the attack was made and mules and horse and property captured by the Cheyenne Indians as alleged in claimant's statement.

(3) That George Maxwell has not, nor any one for him, ever been paid for the property thus captured, and that he was a citizen of the United States at the time of the capture.

(4) That the Cheyenne tribe of Indians was in treaty relations of amity with the United States when said depredation was committed, and have in council assembled admitted that the depredation was committed by them.

Therefore, under article 1 of the treaty then existing, said tribe is chargeable for the payment of the value of the property captured in said depredation. (See 15 Stat., p. 655.)

The evidence is conflicting as to the value of the mules and horses captured. Claimant upon oath states that he paid for said animals the amount he set forth in his claim, which evidence is not contradicted but supported by other witnesses who claim the stock was fully worth \$200 per head, while other witnesses place the value at \$150 per head, and others as low as \$100 per head.

But upon a careful examination of the conflicting evidence, and without extending this report so as to give an analysis of said evidence, your committee fully agree with the report made by Hon. S. W. Peel, from the Committee on Indian Affairs, made in the first session of the Forty-eighth Congress, that the claimant George Maxwell ought to be paid the sum of \$9,450, and do therefore recommend the passage of the accompanying bill.