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J. Kaula.

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J. KAULA.

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

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

REPORT:

[To accompany bill H. R. 5194.]

*The Select Committee on Indian Depredation Claims, to whom was referred the bill (H. R. 5194) for the relief of John Kaula, having had the same under consideration, respectfully submit the following report thereon:*

This claim has been favorably reported by the Interior Department. It was also favorably reported by the Committee on Indian Affairs in the Forty-eighth Congress (Report No. 1132, to accompany H. R. 2324), which report your committee find correct and according to the fact, and hereby adopt as part hereof.

Your committee therefore recommend the passage of the bill.

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[House Report No. 1132, Forty-eighth Congress, first session.]

*The Committee on Indian Affairs, to whom was referred the bill (H. R. 2324) for the relief of John Kaula, having had the same under consideration, respectfully submit the following report thereon:*

The claim of Mr. Kaula is based upon the loss of his crops and his household and other personal property, which were taken away and destroyed by the Sioux Indians during the outbreak of that tribe in Minnesota in the month of August, 1862.

Your committee find that the said Kaula was at that time the owner of and residing on a farm in Nicollet County, Minn., distant about 2 miles from the village of New Ulm, in Brown County, which was the principal point of attack by said Indians.

The committee further find that on the 18th day of August, 1862, the Sioux Indians engaged in an indiscriminate slaughter of the white settlers in the counties of Brown, Nicollet, and other counties of western Minnesota; that on the 19th day of the same month they occupied in force the country surrounding New Ulm; that their raid was so sudden and unexpected that the people for many miles around were compelled to flee in great haste to preserve their lives, abandoning in their compulsory flight their household goods and other personal property, which were seized by the hostile bands and either appropriated to their own use or wantonly destroyed. In pursuance of an act of Congress of February 16, 1863 (see U. S. Stat. at L., pages 652, 653, and 654), the President appointed three commissioners, "for the purpose of ascertaining the amount of said damages, and the persons who had suffered the same." The claimant filed his claim, No. 693, with this commission, but as the commissioners themselves state in their report to the honorable Secretary of the Interior, his submission of his case was a hasty one, and made on "insufficient testimony, owing to unavoidable embarrassments, which defect the party can now supply." Some of the evidence received after the award was made was forwarded with their report.

The testimony taken by the commissioners and that they subsequently filed in the Interior Department has been carefully scrutinized by the committee.

The United States Senate, on March 3, 1868, passed a resolution directing the Secretary of the Interior to report to the Senate the names of the several claimants for indemnity for depredations by Sioux Indians under the act of February 16, 1863, whose claims were not adjudicated by the commissioners.

In obedience thereto the Secretary of the Interior, under date March 14, 1868, transmitted to the Senate in two schedules such names. Schedule A, embracing seventy-nine claimants, by whom no proof was submitted; and Schedule B, embracing names of twelve claimants, in regard to whose claims the commissioners reported—

“The hasty submission, on insufficient testimony, owing to unavoidable embarrassments, which defect the parties can now supply.”

The claim of Kaula is one of the twelve specially mentioned in the report. Your committee think the defect referred to by the commissioners is fully healed by the evidence of Kaula and other parties who were his neighbors. This evidence establishes the fact conclusively that the said John Kaula lost by the Indian raid referred to, in crops, household goods, books, medicine, and other property, the amount claimed for him in this bill.

There can be no question but that the act of February 16, 1863, contemplated the adjustment and settlement of all damages caused by the Sioux outbreak; and it seems but just that this claimant, who has been for many years asking this relief, with his testimony full and complete, should now receive favorable action from this Congress.

Your committee therefore recommend the passage of this bill amended as herewith reported.