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Russell S. Newell.

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RUSSELL S. NEWELL.

AUGUST 19, 1890.—Committed to the Committee of the Whole House and ordered to be printed.

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

REPORT.

[To accompany H. R. 3076.]

The Committee on Indian Affairs, to whom was referred the bill (H. R. 3076) for the relief of Russell S. Newell, having considered the same, report:

They recommend that the bill be amended by striking out the words "three thousand one hundred and thirteen dollars and fifty cents," in lines 7 and 8 of said bill, and inserting in lieu thereof the words "two thousand dollars," and that the bill so amended do pass.

The facts upon which this recommendation is made are set forth in a report (No. 3678, second session Forty-ninth Congress) made by Mr. Storm, from the Committee on Indian Affairs, which is hereto appended and adopted as a part of this report.

[House Report No. 3678, Forty-ninth Congress, second session.]

The Committee on Indian Affairs, to whom was referred the bill (H. R. 6724) for the relief of Russell S. Newell, having had the same under consideration, make the following report:

The claimant, in his petition, sets forth that on or about the 10th day of September, 1858, he arrived at Little Sandy Creek, in Nebraska Territory, about 47 miles northwest from Marysville, Kans. Ter., directly upon the military road leading from Fort Leavenworth to Forts Kearney and Laramie, and then and there commenced a settlement, and erected thereon two houses, one 16 by 20 feet and the other 12 by 14 feet, each being one story high, to be used for trading and farming. He also built a corral, about 60 feet square, and up to the middle of December, 1858, did a profitable business with emigrants and others. That on or about the 15th day of December, 1858, a band of Indians of the Pawnee tribe, supposed to be about 200 or 250, came to his place of business, and appeared very mad, and demanded of him and his clerk flour and other articles, with which demand they refused to comply; whereupon the Indians made said clerk their prisoner, and then helped themselves to whatever they desired, taking flour, sugar, coffee, corn, tobacco, and whisky. They also took and destroyed 12 tons of good hay, for which claimant had been offered \$25 per ton. That said band of Indians also took from the claimant all his wearing apparel, destroyed his trunks and papers, took three mattresses, a lot of blankets, and other articles of bedding, and drove off with them three yoke of work oxen, and scattered his cattle, the latter of which he recovered at considerable expense and trouble. That said Indians also took from him a set of carpenter's tools, destroyed his ox-yokes, and that his loss amounted to the sum of \$3,150.

The claimant rendered a bill, under oath, of his loss, as follows:

2 houses and corral	\$800. 00
12 tons hay, at \$50 each	600. 00
50 bushels corn	200. 00
20 gallons whisky, at \$4 per gallon	80. 00
20 gallons brandy, at \$8 per gallon	160. 00
50 pounds tobacco, at \$1 per pound	50. 00
8 sacks flour	80. 00
100 pounds bacon	25. 00
50 pounds sugar	12. 50
2 large trunks of clothing	250. 00
1 lot books	100. 00
3 watches	100. 00
3 yoke work cattle	300. 00
1 set carpenter's tools	100. 00
2 ox yokes and bows	6. 00
1 lot bedding	50. 00
1 lot cooking ware, &c.	50. 00
Cash taken from clerk	150. 00
	3, 113. 00

Claimant's original petition was dated and sworn to April 23, 1859. Subsequently he filed additional petitions, correcting clerical errors in the first and explaining more fully the circumstances connected with the destruction of his property.

This statement of the claimant is fully corroborated by William B. Young, his clerk, referred to in his petition. Robert S. Yandell also corroborates the claimant.

Several witnesses also swear to the price of hay and other items in the bill of the claimant, to show that the prices charged were reasonable.

Statements as to the good character of the claimants were filed, signed by Senator Ingalls and Representative Morrill, of Kansas.

The claim was thoroughly examined by the Commissioner of Indian Affairs. The Commissioner, in a letter addressed to the Secretary of the Interior, dated December 7, 1886, says:

"Upon an examination of the record of this case the following statement of facts—to wit, the commission of the alleged depredations, the time and place when committed, and the tribal relations of the Indians who committed the depredation, and the absence of contributory negligence—are very satisfactorily proven by the testimony of the witnesses."

But the Commissioner did not regard the testimony bearing upon the destruction of the two houses and the corral and their value as sufficient, and rejected that item of \$800. He also cut down the value on the other articles, and reduced the whole sum to \$2,000, and recommends that the claim be allowed for said sum. The said claim is included in the list of depredation claims communicated to this House by the Secretary of the Interior in Executive Document No. 77, dated January 5, 1887.

The Indian Commissioner also states in his said letter that the said Pawnee Indians held treaty relations with the Government (11 Stats., page 729), and are entitled to an annuity of \$30,000, and that by the fifth article of said treaty are chargeable with said sum of \$2,000 damages committed by them on the property of the claimant.

The committee recommend that the bill pass, with the following amendment: Strike out the words "three thousand one hundred and thirteen dollars and fifty cents," in seventh and eighth lines, and insert in lieu thereof the words "two thousand dollars."