

University of Oklahoma College of Law

## University of Oklahoma College of Law Digital Commons

---

American Indian and Alaskan Native Documents in the Congressional Serial Set: 1817-1899

---

7-2-1868

### Report : Mr. Howard

Follow this and additional works at: <https://digitalcommons.law.ou.edu/indianserialset>



Part of the [Indigenous, Indian, and Aboriginal Law Commons](#)

---

#### Recommended Citation

S. Rep. No. 150, 40th Cong., 2nd Sess. (1868)

This Senate Report is brought to you for free and open access by University of Oklahoma College of Law Digital Commons. It has been accepted for inclusion in American Indian and Alaskan Native Documents in the Congressional Serial Set: 1817-1899 by an authorized administrator of University of Oklahoma College of Law Digital Commons. For more information, please contact [Law-LibraryDigitalCommons@ou.edu](mailto:Law-LibraryDigitalCommons@ou.edu).

IN THE SENATE OF THE UNITED STATES.

JULY 2, 1868.—Ordered to be printed.

Mr. HOWARD, from the Committee on Claims, submitted the following

REPORT.

*The Committee on Claims, to whom was referred the petition of Black Beaver, a Delaware Indian, make the following report :*

The petition alleges that at the time of the evacuation of Fort Cobb, situated in the leased district of the Indian territory, he was a United States interpreter for the Wichitas and other tribes; that in April, 1861, the United States forces at that post were withdrawn by the commanding officer, Major Emory, who compelled him to act as guide for the purpose of conducting the force from the beaten roads to the open prairie country, and that by means of this service the command was probably saved from falling into the hands of the rebels.

Major, now General, Emory is of the same opinion, and adds his testimony in favor of the meritorious conduct of Black Beaver and his two sons on that occasion.

The petitioner sets forth that when he left home in obedience to Major Emory's order, he abandoned all his personal property, consisting of 300 head of beef cattle, of the value of \$14 per head; also more than 300 head of other cattle, consisting of two-year-old steers, &c., an ambulance valued at \$250, a two-horse farm wagon, valued at \$150, and a trunk of clothing, valued at \$150; that he was compelled by said order to abandon this property, but was assured by Major Emory, Colonel Sackett, Major Sturges, and other officers that he should be fully compensated by the United States for this property.

He states that he was paid for his services the sum of \$200.

The committee have no doubt of the value of the services rendered; but as there is no proof of an actual loss of the property, and not even a statement by the petitioner that it was seized by the rebels, or that he was actually deprived of it, the committee are without any grounds to act upon the claim.

Again, should it appear even upon sufficient evidence that the property was seized and confiscated by the rebel authorities, the committee could not, with the views they have more than once expressed touching similar claims, recognize the validity of this.

The petitioner seems to ask us to infer that, in case he had not departed upon this service and had remained at home, he would have saved his property; but this we think is mere conjecture, and, considering the situation of affairs in that region at the time, we are forced to the conclusion that he could not, had he remained, have protected his property from the enemies of the United States.

They therefore ask to be discharged from the further consideration of the claim.