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S. E. Ward

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IN THE SENATE OF THE UNITED STATES.

MAY 22, 1872.—Ordered to be printed.

Mr. PRATT submitted the following

REPORT:

[To accompany bill S. 1142.]

The Committee on Claims, to whom was referred the letter of the Secretary of War dated June 28, 1870, to the Committee on Claims, submitting the claim of S. E. Ward, submit the following report:

The claim of Mr. Ward is for the sum of \$445.35 for supplies furnished for the Indian service, and the War Department recommends that the necessary appropriation be made for its settlement. The Secretary refers the committee to the reports of the Quartermaster General and the Commissioner of Indian Affairs, and especially to the statement of General Frank Wheaton, United States Army, which accompanied his letter, as establishing the validity of the claim and the reason it was not paid out of the appropriations for the Indian service.

The account of Mr. Ward is mainly made up of blankets, cloth, tobacco, knives, hatchets, beads, ribbons, paint, powder and caps, lead, and other articles usual in making presents to Indians, and is dated October 31, 1865, and is certified as correct and just by the assistant quartermaster at the post, (Fort Laramie,) and approved by Colonel Henry E. Maynadier, commanding the post.

On the 16th of October, 1865, Major General Wheaton, commanding officer of the district of Nebraska, issued Special Orders No. 22, to the officer in command at this post, to give to the quartermaster and commissary at that post such orders as might be necessary to fully equip and provide Sioux Indians, Big Ribs, and his four Indian companions, with the supplies they required on their proposed expedition to visit the hostile tribes with a view to bringing them to Fort Laramie and making peace. Such articles as the quartermaster and commissary were not able to provide from stores on hand were ordered to be purchased by them under the order of the post commander, who was also required to furnish the Indians with such arms and ammunition as they might require on their trip.

On the 17th of October Colonel Maynadier, in obedience to the order, directed Captain Childs, assistant quartermaster at the post, to issue to Big Ribs and his party the clothing necessary to equip them for their journey, and a sufficient number of horses and mules to ride and pack their provisions. He was also directed, after examining what articles these Indians required that could not be furnished from the stores on hand, to purchase them and send the vouchers for approval to the post commander.

Captain Childs purchased the bill of goods of Mr. Ward, as above stated, amounting to \$445.35, and certified to the correctness of the

account, and that the articles had been accounted for in his property return for the month ending the 31st of October, 1865.

The Acting Commissioner of Indian Affairs, in a letter to the Secretary of the Interior, dated June 21, 1870, gives the reasons why the claim was not paid. These were, first, that the supplies were furnished without authority from that Department or any of its officers or agents; second, were it decided to be a just claim against the Bureau, there were no funds at the disposition of the Department that could be used to pay it.

The Commissioner, however, says that it was not doubted that the claim was a just one as against the Government, but that it was not deemed advisable or proper to take any responsibility in the matter. This is the substance of the letter.

The Quartermaster General, in a letter dated Washington, April 13, 1866, to the chief quartermaster at Saint Louis, returns the account which had been sent for payment, adding, "The appropriation of the Quartermaster's Department is not applicable to the payment of such claims."

The committee insert in this report the letter of General Wheaton, who ordered the supplies, to the Adjutant General, containing his vindication for the authority he had assumed.

HEADQUARTERS, SUBDISTRICT NORTHERN ARIZONA,
Fort Whipple, A. T., April 30, 1870.

Respectfully returned to Major General E. D. Townsend, Adjutant General United States Army.

I have the honor to state that my order, copy inclosed with claim of S. E. Ward, filed by Sanborn & King, of Washington, D. C., for the purchase of such articles for Big Ribs and his four companies, as is customary to furnish Indians sent on special mission to hostile tribes, was given under the following peculiar circumstances: The order would not have been necessary, and of course would not have been issued, if there had been on the spot any representative of the Indian Bureau, present or available, to make any effort or arrangement to bring to Fort Laramie some of the headmen or chiefs, if possible, of the Sioux Nation, then at war and committing fearful depredations throughout Nebraska. Thousands had been spent that summer in endeavoring to punish the hostile Sioux, but nothing had been accomplished; they had become emboldened by the unfortunate and expensive Powder River expedition, composed mainly of dissatisfied troops, whose term of service had nearly expired, and who came to the frontier unwillingly, and the Sioux were more defiant than ever. There were no Indian agents at or near Laramie. I was ordered to send to the States, for muster-out, all the troops composing the Powder River expedition; this left me with a very small, totally inadequate force of discontented troops, who were begging to be mustered out. Hostile Sioux then commenced depredations on the Main Overland Telegraph road; cut the wires on both sides near Laramie; run off all my mail stock at stations nearest my headquarters, and then, moving rapidly from near Laramie to Alkali Springs, near Fort Sedgewick, 500 Sioux warriors crossed the Platte, attacked two large trains, killed all the drivers, burned the wagons, and ran the stock south to the Republican, and joined their allies, the Cheyennes. I was on the spot soon after with one small company of cavalry, examined the trail made by the Indians, saw the *debris* of the wagons and remains of the drivers, and reported to my department commander, Major General Pope, the situation of affairs in my district and the importance of furnishing me with more troops, if I was expected to guard and keep open about one thousand miles of telegraph road from Omaha to South Pass. At this critical time I received word from General G. M. Dodge, then exercising a general superintendence over troops in "Kansas and the Territories," that no troops could then be furnished, but that I must use every possible effort to communicate with certain Sioux chiefs, who were supposed to be anxious for peace, and that he would endeavor to send to me from a small band of friendly Sioux then on South Ford of Platte, a trusty Sioux Indian—Big Ribs. I was instructed to start Big Ribs and his four companions, who went only after great persuasion, to seek somewhere in the Powder River country for "Spotted Tail," "Standing Elk," and a few Sioux chiefs believed to be opposed to the general warlike wish of the tribe.

To have started this little party of "peace-makers" without some gifts to those they went to see, would have been to have caused their immediate slaughter as spies. The

quartermaster and assistant commissary of subsistence had no beads, no blankets, no Indian trinkets of any kind; we were in a wilderness, hundreds of miles from any Indian Bureau supplies; the only thing to do under the circumstances was to purchase a small amount from Mr. S. E. Ward, the sutler at Fort Laramie; no one else had anything to sell, and we were 700 miles from Omaha, the nearest town. The purchase was made under my own personal supervision, and was, in my opinion as an officer commanding on a hostile frontier, necessary and for the interest of the public service, or I certainly should not have ordered it. That purchase furthermore of \$449 worth of Indian gifts, supplies, and presents, saved the Government more than four hundred and forty-nine thousands of dollars. My mission was successful. "Spotted Tail," an old friend, who had been my trailer in 1855 on scouts in that region, came into Fort Laramie—brought in the head chiefs of the Sioux Nation. The war was over at once; their depredations ceased; peace was made, and Indian treaty commissioners, appointed by the Secretary of the Interior in spring of 1866, were sent to meet these same Indians, arranged for their removal to the Sioux reservation on the Missouri River, where they are to-day quietly located, the peaceable and friendly representatives of a once powerful and hostile tribe.

FRANK WHEATON,

Brévet Major Général, U. S. A., Lt. Col. U. S. Twenty-first Infantry, Commanding.

In view of the facts stated in this letter, the opinion of the Acting Commissioner of Indian Affairs, and the recommendation of the Secretary of War, the opinion of the committee is that the claim should be paid, and they report herewith a bill for the relief of Mr. Ward and recommend its passage.