

Calendar No. 1265

68TH CONGRESS }
2d Session. }

SENATE

{ REPORT
No. 1191

JOHN F. AND MARY L. WHITE

FEBRUARY 17 (calendar day, FEBRUARY 20), 1925.—Ordered to be printed

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

REPORT

[To accompany S. 1621]

The Committee on Claims, to whom was referred the bill (S. 1621) for the relief of John F. White and Mary L. White, having considered the same, report favorably thereon with the recommendation that the bill do pass with the following amendments:

In lines 8 and 9 strike out "which occurred because of the failure to repair a road."

In line 10 strike out all after the word "and" down to and including the word "claims" in line 12 and insert "the sum of \$13,200, or so much thereof as the Commissioner of Indian Affairs may deem necessary to pay such claims, is hereby appropriated out of any money in the Treasury not otherwise appropriated."

It is contended by the claimants that they are entitled to relief on account of damage and injury to property and person sustained in an automobile accident on August 7, 1918, which it is alleged occurred because of the failure to repair a road in the Shoshoni and Arapahoe Indian Reservation, Wyo.

The bill provides for authority to the Commissioner of Indian Affairs to hear the claim and pay to the claimants such amounts as he deems just and proper.

By letter of October 22, 1922, the Secretary of the Interior advised that he had no objection to the passage of the bill, but suggested that it be amended by, in line 9, striking out the words "which occurred because of the failure to repair a road."

The following correspondence from the Department of the Interior is appended hereto and made a part of this report:

DEPARTMENT OF THE INTERIOR,
Washington, October 23, 1922.

HON. ARTHUR CAPPER,
Chairman Committee on Claims,
United States Senate.

MY DEAR SENATOR: In response to your communication of August 28, 1922 I am returning herewith bill S. 3729, Sixty-seventh Congress, for the relief of John F. White, and Mary L. White, on account of damages and injuries received on the night of August 7-8, 1918, in an automobile accident on the Shoshone Indian Reservation in Wyoming.

In the original claim dated August 12, 1919, Mr. and Mrs. White state (see Exhibit A):

"That on or about the 7th day of August, 1918, they were driving in an automobile across the Shoshone and Arapahoe Indian Reservation on what is known as the road from Kinnear Bridge on Big Wind River toward Lander.

"That at a point about a mile and one-half north of the crossing on Little Wind there was a washout across the road which was about 8 feet deep and about 12 or 15 feet across.

"That the said road was smoothly graded and that the washout could not be seen until the observers were within 150 or 200 feet of it.

"That your petitioners were driving along at a speed not to exceed 20 miles an hour. That it was after dark, and the first they knew of the washout was when the car ran into it."

From the reports of the superintendent then in charge of the reservation, Mr. E. A. Hutchison, and of an inspecting official (see Exhibits B, C, and D), it is gathered that the road where the accident occurred was between the Big and Little Wind Rivers; that a cloudburst some six weeks or more prior to the accident washed out the culvert in question, and that the approaches to the bridges across the Big Wind River and the Little Wind River were washed away during the high water of the preceding spring; that because of the said approaches being out the entire strip of road between the bridges was practically abandoned; that the particular washout was generally known throughout that section; that Mr.

White lived only about 5 miles therefrom, and was promoting an oil company in proximity to the washout, and was in a position to know the general condition of the road and very probably had knowledge of the washout; that on the morning preceding the accident, presumably knowing of the condition of the roads and the bridges, he had gone around by way of Riverton to cross the Big Wind River; that on returning that evening some one had made temporary repairs to the Big Wind River bridge so as to make it possible to cross; that after crossing the bridge it was necessary to detour some distance through rough swampy land before getting to the road.

Mr. White states in his original claim that he was running his car at not to exceed 20 miles an hour; he told the inspector he was running about 20 or 25 miles an hour. The superintendent and inspector report that White has a reputation of being a fast driver, and from the conditions, etc., the inspector stated it as his belief that he was running over 30 miles an hour.

The inspector also reports that one light on the front of the automobile was broken and not working, and White had borrowed a lantern and hung it in front of his car to take the place of the broken light.

With reference to the damages, etc., alleged by Mr. White, attention is invited to the original claim dated a little over a year after the accident, wherein no mention is made of any injury to either child. Accompanying said original claim are affidavits of Dr. J. F. Replogle and Dr. A. L. Corey, giving details of their examination of the Whites on August 8, 1918, soon after the accident. Neither of these affidavits mentioned any injury to any of the children, and the subsequent claim of injury to them appears to have been an afterthought.

The claim alleges the automobile was damaged to the extent of \$1,200, while reports of the superintendent dated December 26, 1919, and May 4, 1921, indicate that the car was not greatly damaged. In the latter report the damages to the machine were estimated as about \$50.

In one of the supplemental claims Mr. White makes claim for certain amounts as paid for board of nurse. Upon being called upon for receipts and explanations, he states said amounts were estimated on account of board at his own table.

Claim is made for funeral expenses of one child amounting to \$200, in which is an item of \$99 for a headstone.

The subsequent claim appears to include all bills for physician's services from the date of the accident to the date of rendering the last claim. If an appropriation were to be made for Mr. White and family, it may be that a number of the items claimed are too remote for allowance.

The primary object of this bill being to authorize the Commissioner of Indian Affairs to hear the claims of these parties, and in order to allow claimants' the benefit of any doubt in the premises, I am not disposed to offer objection to the bill. I recommend, however, that the bill be amended on the first page by striking out after the figures "1918," in line 8 thereof, and before the word "in," in line 9, the words "which occurred because of the failure to repair a road."

For the information and consideration of your committee, there are inclosed herewith copies of the relevant papers in the case.

Sincerely,

E. C. FINNEY, *Acting Secretary.*

EXHIBIT A

CLAIM OF JOHN F. WHITE AND MARY L. WHITE, HIS WIFE, AGAINST THE SHOSHONE AND ARAPAHOE INDIANS

John F. White and Mary L. White, husband and wife, respectfully petition the honorable Commissioner of Indian Affairs and state:

That on or about the 7th day of August, 1918, they were driving in an automobile across the Shoshone and Arapahoe Indian Reservation on what is known as the road from Kinnear Bridge on Big Wind River toward Lander.

That at a point about a mile and one-half north of the crossing on Little Wind there was a washout across the road which was about 8 feet deep and about 12 or 15 feet across.

That the said road was smoothly graded and that the washout could not be seen until the observers were within 150 or 200 feet of it.

That your petitioners were driving along at a speed not to exceed 20 miles an hour. That it was after dark, and the first they knew of the washout was when the car ran into it.

That Mary L. White suffered a compound fracture of the left leg in the fall.

That the bones protruded through the flesh of the leg and she also received wound in the forehead which cut the skin and flesh of the skull.

That the said Mary L. White was confined in the hospital for a period of about three weeks.

That John F. White has suffered from an injury of the lower part on the spine and for a time there was partial paralysis of both of the lower extremities.

That one of the patala bones was injured and that he suffered a hernia on the left side which has seriously incapacitated him for work and it will be necessary as soon as he is able to have a surgical operation performed to repair the hernia.

That the car of the petitioners was a six-cylinder Reo, model M 1918, which was nearly new and in good repair, and at the time of the accident was worth \$1,500.

That it was through no fault of your petitioners or lack of care and diligence that the said injuries were received.

That the said road where the accident occurred was a public highway running from Lander across to what is known as the Kinnear Bridge and all travelers were invited and encouraged to use this road in going to and from Lander from the northern part of the Shoshoni Indian Reservation and also in going westerly or up Big Wind River across the Shoshoni Indian Reservation to Dubois and the Yellowstone National Park.

That applicants are informed and believe, and the proofs show that this washout was well known to the authorities in charge of the Shoshoni Indian Reservation, and that no effort had been made to protect travelers from the danger incident to the washout in the road. And that the washout remained in the same dangerous condition for several months.

That the injuries to the above-mentioned applicants are the direct result of gross neglect on the part of the Shoshoni and Arapahoe Indians and the officers, agents, and employees of the Interior Department knew or should have known the dangerous condition of said road.

That applicants have been subjected to great pain and suffering and large expense for medical care, surgical and hospital treatment; were unable to attend to their usual business affairs and that the said John F. White must yet undergo a serious surgical operation and incur a large expense before his health will be restored.

That the said Mary L. White, by reason of said personal physical injuries and the facts hereinbefore stated has suffered damages in the sum of \$7,000.

That the said John F. White has suffered personal physical injuries by reason of the facts above stated in the sum of \$5,000 and that in addition to said damages for physical injuries the said John F. White has suffered damages in the sum of \$1,200 for his automobile.

Wherefore your petitioners respectfully petition and ask that for their respective claims, to wit, \$7,000 to Mary L. White and \$6,200 for John F. White, for damages, be paid through the offices of the Interior Department of the United States and the office of the honorable Commissioner of Indian Affairs.

JOHN F. WHITE.
MARY L. WHITE.

STATE OF WYOMING,

County of Fremont, ss:

John F. White and Mary L. White, being first severally duly sworn, each personally states that they have read the above and foregoing application, know the contents thereof, and that the facts therein stated are true except as to those facts stated upon information and belief, and as to those facts said applicants respectfully state that they believe them to be true.

JOHN F. WHITE.
MARY L. WHITE.

Subscribed in my presence and sworn to before me this 12th day of August, 1919.

J. H. FAUST, *Notary Public.*

My commission expires 15th day of February, 1919.

STATE OF WYOMING,

County of Fremont, ss:

I, J. F. Replogle, being first duly sworn, say that I am a regular practicing physician at Lander and am engaged in the practice of medicine and surgery.

That on the 8th day of August, 1918, Dr. A. L. Correy brought John F. White and his wife and a nursing baby to Lander and we placed them in Bishop Randall Hospital.

That I found the following conditions:

1. John F. White: Area ecchymosis with swelling about 2 or 3 inches wide from near the tip of the coccyx to about an inch above a line drawn from crest to crest of either ileum; partial paralysis of both lower extremities; patella injured and small left inguinal hernia.

2. Mrs. John F. White's injuries: Sustained a compound fracture of the upper third of the fibia and tibia of the left leg; laceration across the upper part of the face along the lower border of the eyebrows extending entirely across the face and cutting into the periosteum of supraorbital bones and scraping upward for about 1 inch. The patient was suffering from severe shock and considerable hemorrhage.

3. Infant: The infant had to be taken from the breast of the mother and placed on modified food.

J. F. REPLOGLE.

Subscribed in my presence and sworn to before me this 28th day of February, 1919.

FRANCES I. TAYLOR, *Notary Public.*

STATE OF WYOMING,

County of Fremont, ss:

A. L. Corey, being first duly sworn, says that he has been a practicing physician for more than 30 years; that for the last 5 to 10 years he has retired from general practice.

That in the fore part of August, 1918, he was called to attend Mr. J. F. White and his wife and children.

He found Mr. White and his wife and his three children in an open cut which crosses the road about 1 or 1½ miles north of the bridge over Little Wind River on the road from Lander to Pilot Butte.

Their automobile was badly wrecked and in a washout about 8 to 10 feet deep. Mrs. White was suffering from a compound fracture of the left leg about 6 inches below the knee with the bone protruding, also a wound over the frontal bone extending from eyebrow to eyebrow, with the skin and flesh turned up and the wound filled with particles of rock and dirt.

Mr. White was suffering from a jar and internal injuries which he could not determine, but the lower part of the spinal column was turned in and there was a partial paralysis of the spinal column.

He administered first aid, cleaning the scalp wound and, using a piece of the body of the car, improvised a splint to keep the broken bone of the leg in place.

He brought both of the patients to the hospital at Lander and turned them over to Dr. J. F. Replogle for treatment.

There were no markings in or near the road to indicate that the culvert in the road had been washed out and the next day he sent a man to set warning signs that the road was impassable.

A. L. COREY.

STATE OF WYOMING,

County of Fremont, ss:

A. L. Corey, being first duly sworn, says that he is the person whose name is subscribed to the above and foregoing instrument of writing, that he has read the same, knows the contents thereof, and that the facts therein stated are true.

Given under my hand and notarial seal this 27th day of January, 1919.

FRANCES I. TAYLOR,
Notary Public.

My commission expires May 10, 1922.

STATE OF WYOMING,

County of Fremont, ss:

Adam Griesmer, of Lander, Wyo., being first duly sworn, says:

That on or about the 1st day of July, 1918, he, in company with Hon. E. A. Hutchison, superintendent of the Shoshone Indian Reservation, went to examine a washout upon the highway located about 1 mile northerly and westerly from the steel bridge over Little Wind River, on the road from Lander to the Kinnear Bridge on Big Wind River, near Pilot Butte, upon the Shoshone Indian Reservation.

That said washout was between 8 and 10 feet deep and 12 to 14 feet wide and was situated or located at a point where the road is well graded up, smooth, and sloping toward the river.

That the washout could not be seen by one driving along the road until one reached a distance of about 100 yards of it.

That he has had many years of experience in traveling upon public highways, examined the surrounding conditions carefully, and states that in his opinion that at night the washout could not be seen or observed until the traveler was within about 100 feet of it.

That the parties then consulted about the necessity of having the said washout repaired at once to reestablish traffic and to avoid accidents.

That affiants have frequently passed over the said road and that said washout has not been in any way repaired.

ADAM GRIESMER.

Subscribed in my presence and sworn to before me this 4th day of January, 1918.

JOSE F. LOUGENECKER,
Notary Public.

STATE OF WYOMING,

County of Fremont, ss:

Nate P. Wilson, being first duly sworn, says:

That on or about the middle of July, 1918, he in company with Hon. E. A. Hutchison, superintendent of the Indian Reservation, Adam Greismer, W. Murray, and C. D. Cameron went to examine a washout upon the highway located about 1 mile northerly and westerly from the steel bridge over Little Wind River on the road from Lander to the Kinnear Bridge on Big Wind River, near Pilot Butte upon the Shoshone Indian Reservation.

That said washout was between 8 and 10 feet deep and 12 or 14 feet wide and was situated or located at a point where the road is well graded up, smoothly surfaced, and graded toward the river.

That the washout was not marked or guarded in any way and could not be seen by one driving along the road until one reached a distance of about 100 yards of it.

That he has had many years of experience in traveling upon public highways, examined the surrounding conditions carefully, and states that in his opinion that after dark the washout could not be seen or observed until the traveler was within about 100 feet of it, at which time it would be almost impossible to stop a car running down the grade at 15 miles per hour.

NATE P. WILSON.

Subscribed in my presence and sworn to before me this 4th day of January, 1919.

FRANCES I. TAYLOR,
Notary Public.

STATE OF WYOMING,
County of Fremont, ss:

Squier Jones, of lawful age and being first duly sworn, upon his oath deposes and says that he is a resident of Fremont County, Wyo.; that on or about the 8th day of August, 1918, I went to the place on the Shoshone Indian Reservation in Fremont County, Wyo., where J. F. White, of Fremont County, Wyo., had called me to remove his car from Big Horn Draw, where said car had run into on account of bridge having been washed out. On arriving at the place, I found the bridge was gone and the car (which had been used only about sixty days) had run into this draw; the car just filled the said draw from side to side, and was damaged to the amount of between eleven hundred and twelve hundred dollars; the car being practically a new car. I sold the car, which was a new car, about June 1, 1918, to said J. F. White; the bridge which was washed out was on practically level ground, excepting the bridge while in place was some little below the level of the road, and could not be seen at any great distance ahead while traveling along the road; the car was traveling at not to exceed 20 miles an hour, according to the position of the spark and gas feed; the brake was in good repair; I examined the lighting system on said car and found it in good condition, excepting the light bulbs which had been broken; and at the time the car run into the draw, the lights would have burned at the time of the accident, and on placing new light bulbs on the car after and immediately after the accident the lighting system worked in good order; the bridge had been out for several weeks and no signal of any kind to inform travelers of the dangerous condition of the road; and it is reported that other people had very narrow escapes from having the same kind of an accident that happened to J. F. White and his family; the car belonging to and sold to J. F. White, was a 6-cylinder Reo car, Model M, 1918.

I consider J. F. White a very careful driver and do not believe the accident happened from any cause of any fault of said J. F. White.

SQUIER JONES.

Subscribed in my presence and sworn to before me this 9th day of January, A. D. 1919.

G. H. PAUL, Notary Public.

My commission expires March 25, 1920.

STATE OF WYOMING,
County of Fremont, ss:

Be it remembered that on this 9th day of January 1919, appeared before me Squier Jones, and being by me first duly sworn, did then and there acknowledge signing the foregoing statement of facts as his free and voluntary act and deed for the uses and purposes therein set forth.

Given under my hand and seal this 9th day of January, A. D. 1919.

G. H. PAUL, Notary Public.

My commission expires March 25, 1920.

UNITED STATES INDIAN SERVICE,
SHOSHONE SCHOOL AND AGENCY,
Fort Washakie, Wyo., December 26, 1919.

COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

SIR: I have the honor to acknowledge receipt of your letter of December 6, 1919, inclosing by reference from Hon. Frank W. Mondell the claim of John F. and Mary L. White, for damages sustained by reason of running an automobile into a washout on the reservation road. In answer I have to advise that during the summer of 1918 there was a cloudburst in what is known as the Big Horn Draw. This cloudburst washed out four 36-inch culverts that were in place in said draw. At the time of the washout a carload of lumber ordered from Portland, Oreg., for bridge work had not been received, and hence this washout was not immediately repaired. I have to state further that this washout was between the Big and Little Wind Rivers, and was known to practically everyone residing on the reservation. Mr. White resides not far from where the cloudburst occurred, and I have no doubt that he knew of the condition of this road, as he was promoting an oil company in proximity to the washout, which no doubt made him conversant with the condition of this road. Even had material been available and the washout been repaired at once, this road was closed to travel for the reason that

the approaches to the bridge over Big Wind River, as well as the approaches to the bridge over Little Wind River, were washed away during the high water of the preceding spring, and the entire strip of road between these two bridges had been closed to travel all summer. Mr. White lives on this side of Big Wind River and the day of the accident, presumably knowing of the condition of the road and bridges, went around by way of Riverton to get on the north side of Big Wind River. In coming back home that night it appears that some one had made temporary repairs to the bridge over Big Wind River, so that an automobile could get across; otherwise Mr. White could not have gained access to this road. At the time spoken of in the affidavits, in which the matter was brought to my attention, it was impossible for myself or others accompanying me to get over this road in an automobile, and we had to turn around and come back. My road foreman also knew of this condition, as I had instructed him to repair it at the first opportunity. The bridge has since been constructed over this washout, but the road is still not safe for automobile travel without great care, particularly after dark.

Immediately on hearing of the accident (the next day) I went over and saw the automobile where it had run into the washout. The washout was about 10 or 12 feet deep and approximately as wide. The car was standing upright in the bottom of the washout as perfectly as though it had been placed there very carefully, the only apparent damage being broken wind shield and radiators. I conclude that had Mr. White been going at the slow speed claimed by him, that on going into the washout the car would have turned over and more serious consequences would have resulted. Further, Mr. White is known as a very reckless driver, and the indications are that he was traveling at a very rapid rate of speed at night over a road in which there had recently been a heavy cloudburst, and it is my belief that his own negligence brought about the injury complained of. I, therefore, recommend that his claim be wholly disallowed.

Respectfully,

E. A. HUTCHISON, *Superintendent.*

EXHIBIT C

UNITED STATES INDIAN SERVICE,
SHOSHONE SCHOOL AND AGENCY,
Fort Washakie, Wyo., February 3, 1920.

COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

SIR: I have the honor to acknowledge receipt of office letter of January 20, 1920, in further reference to the claim of John F. White and wife for damages sustained by them by driving into an open washout on this reservation. In answer I have to advise that I am unable to state just what warnings were erected on this stretch of road, as I instructed Mr. J. C. Nation, the road foreman, to place the necessary warnings. Mr. Nation is not now working for the Government, and his address is not known. I am satisfied from my own knowledge of conditions that Mr. White could not have crossed onto the reservation unless the obstructions at the Big Wind bridge had been removed or temporary repairs had been made. Bridges over boundary streams such as the one over Big Wind River have been built and maintained by the county. The county commissioners had requested me to make repairs following the washout, but as this was a county bridge, I declined to do so. About the time of the accident to Mr. White and wife Mr. John P. Murray, who was interested in drilling operations on the other side of Big Wind River, made temporary repairs to the bridge over that stream at his own or his company's expense in order to get some freight across without having to go around by Riverton.

As to your query, "Would it not be natural for the public to assume upon finding temporary repairs had been made to the bridge over Big Wind River that the road in question was open to travel in the absence of some positive warning?" I can possibly agree generally, qualified with that degree of caution which a prudent person should use in traveling over a road on which there had been no travel for months, especially after dark. No such presumption can be indulged in favor of Mr. White, as he lived near this piece of road and knew of its condition. His oil leases were in the vicinity of the washout in Big Horn draw and his business of promoting caused him to make frequent trips to that territory, and in fact on the day of the accident he went around across the bridge at Riverton in order to cross the river, as all other travel had been compelled to do.

I might add further that this road parallels the main graded road across the reservation practically as far as the agency, and I had practically abandoned it and did no work on it since the spring of 1917. It is of little benefit to the Indians, as there are but few living across the river. During the spring or summer of 1918 the town of Lander, desiring a short route to the oil fields, in order to compete with the neighboring town of Riverton for the trade of that territory, employed a force of men and teams to grade this piece of road and put it in condition, practically adopting it as their own. A grand opening by way of a free automobile ride to the oil fields on the other side of Big Wind River was given as an advertisement of Lander's favorable location for the trade of that territory.

The bridge across Big Wind River (the boundary line of the reservation) is still unrepaired, and I do not feel that Indian funds to the extent of \$5,000 or more should be chargeable with its repair. Perhaps a joint expense might be justified, but the county is unable or unwilling to do anything.

I feel that Mr. White was guilty of gross contributory negligence in driving in the nighttime at such a high rate of speed as the circumstances of the accident indicate by reason of the car remaining upright over a road that had not been traveled for weeks, and of this I put myself on the country.

Respectfully,

E. A. HUTCHISON, *Superintendent*,

EXCERPT FROM REPORT OF INSPECTOR JOHN W. BALE, DATED JULY 24, 1920

My attention has been especially called to an accident to Mr. J. F. White and family on the Second Street Road, about one-half mile north of the bridge across Little Wind River, said accident occurring on the night of August 8, 1918.

Some time in June or July, 1918, the exact date could not be ascertained, there occurred a waterspout, which was unusual, only covering a small area, somewhere west of Second Street Road and east of the Crow Heart Road on the reservation. As a result great volumes of water rushed down the different ravines and gullies toward Little Wind River, washing out a culvert on the Second Street Road at the place of the accident. Nothing was done to repair this washout until 1919, when a bridge was constructed across a ravine some 30 yards north of the road-bed and the road changed at that point, except that a temporary crossing was effected by Indians and others, turning east from the main road about one-half mile north of the washout and turning west from the main road some 50 yards nearer the washout, said turnouts going around the washout.

On August 8, John F. White and his wife and four children went to the home of Mr. Phillips near Crow Heart. They started to their home some few miles east of where the washout was, in a 6-cylinder Reo automobile, Mr. White driving. One light on the front of the automobile was broken and not working and he had borrowed a lantern and hung it in front of his car to take the place of the broken light. He left Crow Heart, came down the Pilot Butte Road toward Riverton to Kinnear's bridge. Here he turned to the Second Street Road, crossing the Big Wind River at this bridge. The Kinnear bridge was at the time in bad condition, due to heavy rains, the south abutment being anchored by cables. Immediately across the bridge Mr. White was compelled to detour to the left from the main road, as the fill leading to the bridge was washed out. In making this detour he had to drive through a rough, swampy piece of country for about one-half a mile, when he again entered upon the main road. It must have been at least between 11 and 12 o'clock at night when he passed this point, as the accident occurred shortly after midnight. He then traveled the Second Street Road some five or six miles to the top of a long hill where the road leads in a long, straight stretch, down a good running grade to the place of the accident for more than a mile. He ran his car down this hill, he states to me, at a rate of about 20 or 25 miles an hour.

I rather think he was running over 30 miles an hour from an examination of the road he was traveling and the further fact that he has a reputation of being a fast driver. He ran by the two turnouts above mentioned and into the washout, his car nearly jumping same. The front end of the car hit the bank of the washout on the south side and settled down in the washout as evidenced by the attached photograph marked "No. 3." Mr. White advises me that there was no marker or danger sign placed in the road at the time and I am satisfied that this is true. The condition of the culvert at the time of the accident is evidenced

by the attached photographs Nos. 1, 2, 3, and 4. Mr. White contends that he, his wife, one son 11 years old, and an infant child were all injured by the accident. He submits an affidavit of Dr. J. F. Replogle, the same being attached hereto and marked "Exhibit 8," in which Dr. Replogle describes the nature of the injuries of both Mr. and Mrs. White, and also refers to the fact that the infant child had to be taken from the breast of the mother and placed on modified food. Mr. White states that his son, Harry White, 11 years old, was ruptured by reason of the accident and that he himself sustained rupture and since I commenced my investigation, he reported to a hospital at Lander, Wyo., for treatment but for some reason was not received. I got this information from Doctor Replogle. Mr. White also exhibited to me a scar over the eye of his wife, which he contends was received in the accident.

Since commencing my investigation, I have had conversation with Dr. J. F. Replogle, and he stated to me that he did not believe that White or any member of his family were seriously injured, that he made the examination at the time they were first brought to him on August 8, 1918, but that subsequent events have shown that Mr. White and his family were fortunate in escaping serious results. During this conversation, however, Doctor Replogle was rather bitter against Mr. White and says that he has not paid all of his fee.

Mr. White informs me that he has filed a claim in Washington for damages to himself, family, and his automobile to the amount of \$13,500 and furnished me with the attached photographs and affidavits of Nate P. Wilson, A. L. Corey, J. F. Replogle, John R. Burns, and Squire Jones, said affidavits being herewith attached and designated as stated above. As this accident occurred on the reservation and involves the conduct of the superintendent in failure to place proper warnings for travelers over this road, I investigated same. Superintendent E. A. Hutchison states that the washing away of the culvert occurred about the last of June or the 1st of July, 1918, as nearly as he can ascertain; that the accident to Mr. White and his wife was during the night of August 7, 1918.

The bridge across the ravine was not constructed until the following spring; that it was not repaired immediately for the reason that the road was impassable on account of the washout of the approach to the Kinnear bridge over Big Wind River and of the washing out of the embankment to the north approach over Little Wind River; that a temporary culvert was put in by the road foreman just above where the washout occurred in the Big Horn Draw soon after the cloudburst, and that the travel over the road was diverted to the west over this culvert. That as soon as he learned of the condition of this road, he instructed Mr. J. T. Nation to attend to it. That he was unable to state if any warning was placed on the road; that the impassable condition of this stretch of road was known to everyone, and parties visiting north of Big Wind River were forced to go around by Riverton. He adds that the road is still in such condition that it is unsafe to travel over it at night time. Mr. Hutchison's statement will be found in paragraph 8, Exhibit A.

I have had a conversation with Mr. John T. Nation, who at that time was acting as superintendent of roads on the reservation. Mr. Nation is not now connected with the reservation, and I understand that his feelings toward Superintendent Hutchison are not altogether pleasant. He makes this statement: That he and his crew at the time of the accident were employed in grading the Fort Washakie Crow Heart Road some 30 or 40 miles from the agency and probably 45 miles from the scene of the accident. That the accident occurred on the Second Street Road about 9 miles from the agency. That he had not heard of the cloudburst or washout until a few days before the accident is said to have occurred. Then he heard of it, only in a casual way, and received no information regarding same from Superintendent Hutchison.

That he did not have any conversation with Superintendent Hutchinson regarding the washout until after the accident and was not on the Second Street Road at any time prior to the washout until after the accident. That he placed no blind or warning sign on the road, but that some time after the accident he saw one there; that he did not do any repair work on the Second Street Road until 1919, when he built a bridge across the ravine near where the washout occurred, some few yards west of the place where the accident occurred. That after the accident he did fix a turnout so that travelers could cross west of the place of the accident. That to the best of his recollection, the Second Street Road was built in 1917 under the direction of Mr. Joe Norris, who was at that time acting as superintendent of the Wind River Reservation, and that no work was done on the road after Mr. Hutchinson came in as superintendent except building the bridge referred to and fixing the turnout referred to. That during 1918 all of his time was taken up on the Crow Heart Road and no repairs were done elsewhere

except when specific instructions were given and that he received no instructions to repair the Second Street Road until after the accident. He further states that he heard that Mr. White had been over the Second Street Road on several occasions after the washout and knew about the condition of the road, but that this was merely rumored. He also states that he heard that some one told White at Pilot the evening before the accident that the washout had been repaired, but could not say who he got this information from, but that he just "heard it." Mr. Nation states further that there was a turnout to the east, north of the washout where people could cross, and that travelers had been crossing there; that he put in a culvert on a turnout west of the washout, but that this was done after the accident, before he had built the bridge near the washout. He further states that cloudbursts are not unusual in this section of the country during the summer; that they would cover only a small territory, say a radius of a mile at times, and that travelers, only a few miles away would not know how severe they were until the water would come rushing down the ravines and gullies. That Mr. White had been a resident of this section for some time and knew of this. He gives as his opinion that a man driving a car, and especially at night, should use unusual care, as washouts were likely to occur and he would not know about it.

I also had a conversation with Mr. John R. Burns who signed affidavit No. 9, hereto attached. Mr. Burns states that he was chief of police at Fort Washakie at the time of the accident and that he knew of the cloudburst in about two days after it occurred. That such cloudbursts are local and may occur in a country of a few miles away and their extent would not be known until persons visited the territory where they were. That the morning after the accident, he, Superintendent Hutchison, and John M. Rutherford, visited the scene and saw the condition the car was in. That the road was used constantly before and since the accident, but that there were turnouts both east and west where travelers could cross the ravine. Mr. Burns states that there were no signs or signals to warn travelers placed in the road before the accident.

I also talked with John M. Rutherford and Farmer Burnett, both of whom state that there were turnouts that could be used to cross the ravine going both east and west, on the road where the washout occurred.

Ray Shoulderblade, an Indian, who at the time was camped on the south side of Little Wind River, near the bridge about one-half mile from the scene of the accident, states that the cloudburst occurred in June, 1918. That on the night of the accident about midnight he was aroused by some one making a noise like they were in trouble. That he went to the road and saw it was Mr. White, who told him about the accident; that he then went to St. Michael's Mission, nearly a mile away, for help. That Mr. Corey and others from the mission came to the place of the accident, assisted in getting Mrs. White and the children out and sending them with Mr. White to Lander. That he thinks Mr. Corey accompanied them. He further states that prior to the accident there was a road turnout west about one-fourth of a mile north of the washout and that there was an old wagon crossing across the ravine at that point where travelers could get through and which was at the time of the accident, being used by travelers.

I did not have an opportunity to interview Mr. A. L. Corey, as he is not now connected with the mission, nor did I have an opportunity to see Adam Greismer nor Nate P. Wilson. I talked with Mr. White. He denied that he knew anything about the condition of the road and says that he was driving about 20 or 25 miles an hour. He admits that one of the lights on his car was broken and that he was using a lantern. That he had gone up from his home into the Crow Heart country along the Riverton-Pilot route, but came home the Second Street Road, not knowing about the washout. That there were no signs or markers up to warn him and that he did not know of a washout.

I also had a talk with Sheriff L. B. Gaylor, of Fremont County, and he states that the night before the White accident that he was going south along the same road about 11 o'clock p. m., in an automobile. That he did not know of the washout and that just before reaching same he had a premonition to stop his car. That he did stop his car and got out and found that the front wheels of his car were within 18 inches of the washout. That he made an examination and that there was no marker on either side of the washout. That he backed up his car and took the turnout east which he knew of. That this turnout was an old roundup road. That he found that the flat had washed out considerably, but he managed to get across with his car.

I do not think that Mr. White is free from blame in this accident, and in my opinion he is guilty of contributory negligence. He was acquainted with the general weather conditions of that country and must have known of the local cloudbursts that prevail in that section of Wyoming. He lived only about 5 miles from the place of the washout and it is possible for him to have heard

something about it. En route home on the night of the accident he crossed the Kinnear's bridge. He could but see the condition of that bridge and of the road immediately south of the Big Wind River.

He is known as a reckless driver. He had only one light burning and a lantern to take the place of the other light. It seems to me that a cautious, prudent man would not be driving at the rate of speed that Mr. White admits he was driving at 12 o'clock at night over roads in the condition that this road must have necessarily been in. Sheriff Gaylor was evidently driving with more caution the night before and was not injured. He backed up his car, found one of the turnouts, took that and escaped danger. I therefore am of the opinion that Mr. White is partly to blame for his own accident.

I am also compelled to censure Superintendent Hutchison in not being more diligent in having appropriate warning signs placed along this road. If the road was in the condition that he states it was in, it occurs to me that he should have placed a warning notice on the south side of Little Wind River bridge and another on the north side of the Big Wind River bridge, announcing that this road was closed. If he did not do this, I am of the opinion that he certainly should have placed markers on the north and south side of the washout to warn travelers as to the condition of the road. My greatest criticism of Superintendent Hutchison is that he depends entirely too much upon the heads of his several departments under his jurisdiction to execute his suggestions and does not get out of his office enough to see that his suggestions are heeded.

Attention is called to the fact that some of the bridges across irrigation ditches and laterals on highways are not always kept in good repair.

Respectfully submitted.

JOHN W. BOLE, *Inspector.*

UNITED STATES INDIAN FIELD SERVICE,
Fort Washakie, Wyo., May 4, 1921.

THE COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

SIR: In answer to your letters of February 2 and April 12, 1921, relative to the claim of John F. and Mary L. White, for damages sustained through driving into an open washout on one of the reservation roads, I have to advise that I have been unable to check over all the items claimed by Mr. White. I have called for Mr. White to furnish me a list of his actual damages, together with supporting receipts. He has made the list, which includes several items of consequential damage, but has not furnished any receipt. So far as I have been able to verify, I find that the claim of \$110 paid to Doctor Replogle, of Lander, and \$125 paid to the Bishop Randall Hospital are correct. The car in which he was riding was damaged to the extent of about \$50. It was not a total loss, as it was repaired and sold again. I have been unable to ascertain to whom he sold it and the price obtained. I inclose herewith the items of damages claimed by Mr. White, as the office appears to be anxious to obtain any available information, and will verify each item as rapidly as possible. It is my impression that several of the nurse bills were contracted during the illness of the child Chester, which died during January of this year. No mention is made in the original claim of Mr. White as to injury to this child, but he now seeks to connect it up with the accident.

All of the items in the claim herewith submitted except bills to Doctors Replogle and Corey, the hospital bill, and damages to the car, were incurred after Mr. and Mrs. White left the hospital, and will be very difficult to verify, but I shall attempt to verify each item as rapidly as possible and advise the office further as to the success of my efforts.

Respectfully,

E. A. HUTCHISON, *Superintendent.*

STATE OF WYOMING,
County of Fremont, ss:

John F. White, being first duly sworn on his oath deposes and says that he is the same John F. White who filed a petition with the honorable Commissioner of Indian Affairs on or about the 12th day of August, 1919, setting forth and describing injuries received by himself and Mary L. White, his wife, on the 7th day of August, 1918, on one of the public highways while driving across the Shoshoni

and Arapahoe Indian Reservations on what is known as the road from Kinnear Bridge on Big Wind River toward Lander, at a point about a mile and a half north of the crossing on Little Wind River where there was a washout across the road and into which affiant drove his car with his family, causing injuries to himself and family.

Affiant further says that because of said injuries he has paid out and expended the following sums, to wit:

To Doctors Cogswell and Adkins, of Riverton, Wyo.....	\$140
To Doctor Reprogle, of Lander, Wyo.....	110
To Doctor Corey, of Lander, Wyo.....	110
To Doctor Brandtly, of Riverton, Wyo.....	50
To Bishop Randall Hospital at Lander, Wyo., for nurse and hospital bill.....	125
To paid 2 nurses at his home.....	120
To paid board of above 2 nurses.....	80
To paid 1 nurse, continuously from time of accident till Jan. 10, 1921, because of illness of child, Chester (at rate of \$60 per month).....	1, 470
To paid board of said nurse.....	580
To paid funeral expenses of child, Chester, who died on 10th day of January, and as affiant is informed and believes, died as the direct result of injuries sustained in said accident.....	200
To paid for drugs and medicines, approximately.....	150
To loss and damage of 6-cylinder Reo car because of said accident.....	1, 200
Total.....	4, 335

Affiant further says that he and his son Harry each suffered a hernia rupture and affiant is informed and believes that said injuries to himself and son Harry are permanent.

Affiant further says that the amounts above stated do not include damages for the loss of his said son, Chester; nor the loss and damages suffered by him and his son Harry by virtue of the hernia ruptures; nor do they include damages for the sufferings of himself and his wife because of said injuries.

And further affiant sayeth not.

JOHN F. WHITE.

Subscribed and sworn to before me this 9th day of March, 1921.

JOHN BASSETT, *Notary Public.*

My commission expires December 23, 1921.

UNITED STATES INDIAN FIELD SERVICE,
Fort Washakie, Wyo., July 19, 1921.

COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

SIR: In compliance with instructions contained in office letter of May 26 in regard to the claim of John F. and Mary White for damages sustained by driving into an open washout on one of the reservation roads, I submit herewith receipts furnished by Mr. White covering expenses which he claims were incurred by reason of the accident.

Respectfully,

E. A. HUTCHISON, *Superintendent.*

RIVERTON, WYO., July 13, 1921.

I hereby certify that John F. White paid me the sum of \$50 for services rendered to his son, Chester X. White, suffering from heart disease, he being the same child, who was in an automobile wreck on or about August 7, 1918.

E. D. BRANTLY, M. D.

RIVERTON, WYO., July 13, 1921.

Received of John F. White \$1,800 in May, 1918, for the Reo six-cylinder car which he wrecked 1½ miles north of Little Wind Bridge.

SQUIER JONES.

RIVERTON, WYO., *July 13, 1921.*

Received from John F. White \$140, and \$49.50 still unpaid at this date for treatment of him and his family.

JOHN G. COGSWELL, M. D.

JULY 13, 1921.

I, Mrs. Jane Pettis, was employed by John F. White for the care of his wife Mary L. White and his son Chester X. White, from some time in August, 1918, and was continually in his employ until January, 1921, at the rate of \$60 per month, and have received all of my pay except \$25, which is still due for services rendered. The total sum earned was \$1,470.

MRS. JANE PETTIS.

JULY 13, 1921.

Mrs. E. J. Leake and my husband, Mr. E. J. Leake, certify that we were employed by John F. White to care for his child, Chester X. White, and two other children from August 8, 1918, to September 8, 1918, and earned the sum of \$120 services, rendered at his ranch on Little Wind River.

MRS. E. J. LEAKE.

LANDER, WYO., *July 14, 1921.*

Mr. J. White and Mrs. White and baby, to Bishop Randall Hospital, Dr.: August 8-14-28, \$125. Received amount in full. Bishop Randall Hospital. August 28, 1918.

November 10-17, Pearl White. Balance to be paid \$28.50.

LANDER, WYO., *July 14, 1921.*

John F. White, Riverton, Wyo., to Dr. J. F. Replogle, Dr., for professional service:

August 8, 1918, to December 1, 1918, professional services for J. F. White, Mrs. J. F. White, and Chester X. White, \$150. Paid cash, \$110; balance due, \$40.

J. F. REPROGLE.

RIVERTON, WYO., *September 11, 1921.*

HON. CHARLES H. BURKE,
Washington, D. C.

DEAR SIR: I am writing you regarding my claim for damage for myself and family, who were injured on a highway on the Shoshoni Indian Reservation on night of August 8, 1918. I will give you the case brief.

I filed this claim with Indian Department soon after I got out of the hospital in 1918. I sent affidavits of the chief of police and four or five other responsible citizens, who by their affidavits fixed the blame for the accident on the agent of the Indian Department as this washout had been out about six weeks before I went into it. And he, the agent, Mr. A. E. Hutcherson, had been there after the road was washed out in company with Mr. Burns, then chief of police of said reservation, and had not flagged it or done anything to warn the traveler. In the summer of 1920 Mr. Bales, an inspector, called on me and my wife and interviewed each of the parties who had made affidavits and others and said it would not be necessary to have a hearing in the matter. That me and my folks would get a fair settlement. About one year after Mr. Bales, the inspector, was here the Agent, Mr. A. E. Hutcherson, wrote me to send in my bill of moneys paid out on account of said accident, which I did, with receipts of who got the money and for what. Now I am just back home from the hospital, where I had been for operation caused from this accident. Now my attorney advises me that I can sue no branch of the Federal Government; that they will pay all their bills and claims promptly when properly verified.

I will send you the pictures of this wreck taken the next day and a synopsis of losses on account of said accident. One Reo six-cylinder seven-passenger car; in the car at time John F. White, wife, Mary L. White, sons Chester X. White, Harry White, Samuel V. White, Pearl M. White.

Died since the wreck account heart rupture, Chester X. White, January 10, 1921. Operated on John F. White 26th of August, 1921. Mary L. White, both bones broken in left leg and nine stitches to her head.

Now I was advised by Mr. Ebb Jones, your friend, and also Mr. Joe Norris to write you direct giving you all the facts in this case. Hoping for an early reply.

as I am getting down to my last dollar and have pledged practically all my property since this accident.

Yours respectfully,

JOHN F. WHITE.

UNITED STATES INDIAN FIELD SERVICE,
Fort Washakie, Wyo., September 21, 1921.

The COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.

SIR: Further referring to the matter of the claim of John F. and Mary L. White for damages sustained through driving into an open washout on one of the reservation roads, which I have been endeavoring to verify the items of actual damage as claimed by Mr. White, I have to advise that after diligent effort I have been able to verify only the hospital bill of \$125 and Doctor Replogle's bill of \$80. I have written letters to all other parties to whom White claims he paid money on account of this damage, from some of whom I have been unable to obtain replies. Two of the physicians, Doctor Brantley and Doctor Cogswell, have submitted claims covering medical services rendered to Mr. White and his family from the date of the accident to the present time, including professional attention to a son, Chester, who died in January, 1921, from heart disease alleged to have been caused from the accident in 1918. Mr. White has also submitted a bill, through Doctor Brantley, for an operation performed on John F. White in August of this year for hernia alleged to have been caused as a result of the accident.

By reference to the original claim of Mr. White, it will be noted that injuries to himself and his son, Chester, were not included.

All medical attention and hospital bills incurred by Mr. White from the date of the accident to the present day, are claimed as damages, and I doubt not but what any medical attention he may hereafter require will be as a direct result of the damages sustained 3 years ago. So that with the information I am able to obtain through Mr. White and the physicians who have attended him, renders it impossible to verify his claims of actual damages. Some of the claimants will not reply to my letters while some of the doctors appear to bring bills with charges unrelated with the accident.

As an example of claims still being received, I am inclosing herewith letter of Dr. John G. Cogswell and bill rendered by Dr. E. D. Brantley, both of Riverton Wyo.

Respectfully,

E. A. HUTCHISON, *Superintendent.*

SEPTEMBER 13, 1921.

Supt. E. A. HUTCHISON,
Fort Washakie, Wyo.

DEAR SUPERINTENDENT: Your letter of 7th instant relative to the John F. White family injury matter received.

The total for the care of the different members; that is, Chester X. and Mary, his wife, is \$141. The treatment began shortly after the accident in August, 1918, and continued with the boy until his death from heart disease January 10, 1921.

The wife's treatment began about the same time and continued up until I rendered the bill. At various times John F. White was under treatment, but to a less limited extent. His bill is now \$53, which ran on up to the time he left for an operation for hernia in the hospital at Thermopolis. He probably has not returned as yet. Kindly include this in the bill.

Doctor Brantly is still in Riverton and mail will reach him here. Hoping this will clear up the matter, I remain,

Yours sincerely,

JOHN G. COGSWELL.

SEPTEMBER 14, 1921.

Mr. John White, Riverton, Wyo., to E. D. Brantley, M. D., Dr.:

Aug. 23 and 24, to visit for strangulated hernia which was result of injury of Aug. 8, 1918	\$25
Aug. 26, to surgical operation for same at hospital, Thermopolis	175
Hospital fees for same	70

270

RIVERTON, WYO., March 9, 1922.

Senator JOHN B. KENDRICK,
Washington, D. C.

DEAR SIR: I am writing you regarding a claim for damage which was filed with the Indian Department at Washington, D. C., in August, 1919. This accident occurred on August 8, 1918, from criminal negligence on the part of the Indian agent, as this washout in the road had existed for about six weeks prior to the night that I drove into it in an automobile with my family, consisting of myself, wife, and four children. The pictures which I give you are the pictures of this accident. This highway passes St. Michael's Mission, and was flagged of its dangerous condition by St. Michael's Mission shortly after this accident. You will find on file affidavits substantiating the facts as I have presented them to you. It was my wish and intention to go over this matter thoroughly with you at Lander, and also go out to the scene of where this accident occurred, but when I see the great number of people that had business as vital to them regarding their water titles and other troubles with the Indian Department, I did not feel like pressing you for your time; but I do feel now that you may be able to go into my claim now. And as the Indian Department is not responsible to the taxpayer whose money they spend, I feel that my Congressman is the only appeal I have. My attorney advises me that you can not reach this department with any procedure at law. You will note that Congress made its regular appropriation for the maintenance and upkeep of the highways for the reservation for the year 1918.

I will tell you in detail of how this accident occurred: We were crossing the reservation on the highway between the Big Wind Bridge and the Little Wind River Bridge. This washout in the road was just wide enough for a car (seven-passenger, six-cylinder Reo) to drop in and have about 1 foot play, and about 9 feet deep. There was no flag or warning of any kind to warn the driver, and the lights flashed over this washout without me seeing it. We were driving at the rate of 25 miles an hour; neither did my wife see this washout. I was knocked senseless, ruptured, teeth all knocked loose, but walked and crawled 1 mile for help. My wife had a compound fracture of the left leg and a cut across her forehead that took nine stitches to sew up. Chester X. White was injured; died January 10, 1921. Harry Clinton White was ruptured from the fall and injured in the spine and also mentally, and Miss Seyfarth, State examiner of school children has asked me to send him to the school for defective children, but it is our sincere wish to care for him ourselves; but we must have a settlement of this claim in order to be able to do so—anyhow, the proper care he is entitled to. I refer you to the affidavits on file with the Indian Department; also to Mr. Squier Jones, who removed this car from the washout; also to Reverend Chipp, of the Episcopal Church at Riverton, and will gladly furnish you any other facts that you may wish in this case. Thanking you in advance, we remain,

Yours respectfully,

RIVERTON, WYO., Box 464.

Mr. JOHN F. WHITE,
Mrs. JOHN F. WHITE.COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.:

SUPPLEMENTAL PETITION

Your petitioners, John F. White and Mary L. White, respectfully represent that they filed a claim for damages sustained by them as the result of an automobile accident on the Shoshone Indian Reservation on the 8th day of August, 1918, and that said petition was dated the 12th day of August, 1919.

Your petitioners respectfully represent they were riding in an automobile, accompanied by their sons, Chester X. White and Harry Clinton White, on a road running from Lander in a northerly direction through the Shoshone Indian Reservation, a road which affiants have ridden over numerous times on prior occasions, and which on each of said occasions was in good, safe, and passable condition.

Your petitioners were riding along said road in the nighttime between the hours of 12 and 1 o'clock, and ran into a washout that was about 9 feet deep, and it was impossible to notice the cut-out, notwithstanding the automobile lights

were burning brightly; that your petitioners and their said children received as a result of said accident severe physical injuries.

Your petitioner, John F. White, respectfully represents that he has been in ill health since said accident and that on, to wit, the 1st day of September, 1921, he was operated on at Hope Well Hospital at Thermopolis, Wyo., for inguinal hernia, caused by a bruise at the time of said automobile accident.

Your petitioner, Mary L. White, respectfully represents that she has been in poor health continuously since said accident and that since said accident she has been unable to do her housework and has been obliged to employ assistance.

Your petitioners further represent that their son, Chester X. White, was in a feeble condition at all times since said accident and required great care, and was constantly under the treatment of a physician, and as they are informed and believe their son, Chester X. White, died as the result of said accident on the 10th day of January, 1921; that it required continuous and large expenditures of money in efforts to cure and care for said son, Chester X. White. Your petitioners further represent that their son, Harry Clinton White, has been in ill health continuously since said accident and that his physical condition is constantly growing worse; that as a result of said accident his mental faculties have been impaired, and that your petitioners are informed and believe that the said child, Harry Clinton White, will never recover.

Your petitioners further respectfully represent that prior to said accident August 8, 1918, their said sons, Chester X. White and Harry Clinton White, were in good physical condition and did not require the attention or care of a physician and that as far as your petitioners are informed and believe were in perfect health.

Your petitioners further respectfully represent that prior to said accident they were in good physical health and condition and were able to accomplish extreme arduous labors.

Your petitioners further represent that they have suffered damages as follows: Mary L. White, \$7,000; John F. White, \$5,000; for expenses as per bills rendered, copies of which are hereto attached, \$4,620.

Your petitioners further respectfully represent that by reason of the death of their son, Chester X. White, they were damaged in the further sum of \$2,000. Your petitioners further represent that the condition of the health of Harry Clinton White is such that he will never recover and that his care will be a great burden upon your petitioners during the entire balance of his lifetime, and therefore your petitioners respectfully represent that by reason of said great injury to the said Harry Clinton White they have suffered a loss of \$10,000.

Your petitioners further respectfully submit herewith affidavits of Drs. E. D. Brantley and J. G. Cogswell as to the condition of the said son, Harry Clinton White, and the said deceased son, Chester X. White, and also as to the physical condition of your petitioners. That heretofore your petitioners furnished to the honorable commissioner an affidavit of Dr. J. F. Replogle concerning the injuries of your petitioners at the time of said accident.

JOHN F. WHITE.
MARY L. WHITE.

STATE OF WYOMING,
County of Fremont, ss:

John F. White and Mary L. White, being first severally sworn, each personally said that they have read the above and foregoing petition and know the contents thereof; that the facts therein stated are true as they verily believe.

JOHN F. WHITE.
MARY L. WHITE.

Subscribed and sworn to before me this 23d day of March, 1922.

[SEAL.]

A. C. ALLEN, *Notary Public.*

My commission expires June 6, 1925.

STATE OF WYOMING,
County of Fremont, ss:

John F. White, being first duly sworn, deposes and says that at the time he was injured in an automobile accident described in the supplemental petition hereto attached his teeth were all knocked loose, and that afterwards, on or about the 15th of September, 1919, he was obliged to have all of his teeth pulled out and that

ever since said time he has been endeavoring to have false teeth made. Doctors Inman and Stewart, dentists, practicing in Riverton, Wyo., have for the past two years each endeavored in turn to make a set of teeth that would fit affiant, but neither of said dentists have as yet been able to make a set of teeth that affiant has been able to use.

Affiant is informed and believes that his gums or mouth is not of uniform shape, and for that reason the dentists have been unable to obtain or make for him a set of teeth that he can use.

Affiant further says that because of the fact that he has been obliged to eat without teeth his health has been impaired, and at this time does not know whether or not he will be able to obtain a set of teeth without a severe and painful operation.

And further affiant saith not.

JOHN F. WHITE.

Subscribed and sworn to before me this 23d day of March, 1922.

A. C. ALLEN, *Notary Public*

My commission expires June 6, 1925.

STATE OF WYOMING,
County of Fremont, ss:

R. J. Inman, being first duly sworn, on his oath deposes and says that he has known John F. White since on or about the 1st day of August, 1918. That on or about the 7th day of August, 1918, affiant did some work on one of the teeth of the said John F. White, the work consisting of filling one of the teeth. At that time the said John F. White had, with the exception of one cavity in one tooth, a sound set of teeth, and the said White appeared to have no difficulty whatever with his teeth at that time.

Affiant further says that the next time he examined the mouth of the said John F. White his teeth were all withdrawn and was informed at that time that he had suffered an accident which necessitated pulling all of his teeth.

Affiant further says that since on or about the 15th of September, 1919, he has on numerous occasions endeavored to fit the said John F. White with a set of new teeth and that owing to the peculiar condition of the gums and mouth of the said White he has been unable to make a set of teeth to fit the mouth of the said John F. White. That the said John F. White has been entirely without teeth to the knowledge of affiant since on or about the 15th of September, 1919.

R. J. INMAN, D. D. S.

Subscribed and sworn to before me this 23d day of March, 1922.

A. C. ALLEN, *Notary Public*.

My commission expires June 6, 1925.

STATE OF WYOMING,
County of Fremont, ss:

John G. Cogswell, of lawful age, being by me first duly sworn, on his oath says that he is now and has been for 14 years last past a practicing physician and surgeon of Riverton, Fremont County, Wyo.; that affiant is acquainted with John F. White, now of Riverton, Wyo., and has known the said John F. White for some five or six years last past; that affiant was the family physician of the family of said John F. White before and after a certain automobile accident which occurred to said family on the Shoshone Indian Reservation on August 8, 1918; that affiant attended as physician Chester X. White, who was a son of said John F. White, during his last sickness and that said Chester X. White died at Riverton, Wyo., January 10, 1921; that affiant is of the opinion and believes that the cardiac involvement from which said Chester X. White died was the result of said automobile accident.

JOHN G. COGSWELL.

Sworn to before me and subscribed in my presence this 3d day of November, 1921.

A. C. ALLEN, *Notary Public*.

My commission expires June 6, 1925.

S. Rept. 1191, 68-2—2

STATE OF WYOMING,

County of Fremont, ss:

John G. Cogswell, of lawful age, being first duly sworn, deposes and says that he is now and has been for 14 years last past a practicing physician and surgeon at Riverton, Fremont County, Wyo. That affiant has been the family physician of John F. White and Mary L. White and their children since the summer of 1918.

Affiant further says that since that time John F. White and Mary L. White, his wife, have been in poor health as a result of an accident which they suffered in an automobile wreck on or about August 8, 1918. That the said Mary L. White has been unable to attend to her household duties without assistance ever since said time.

Affiant further says that Mary L. White suffered a fractured leg, which is now crooked and in a deformed condition, from which she is still suffering.

Affiant further says that the said John F. White suffered from a hernia and that an operation was performed on the said White on or about September 1, 1921, at Hope Well Hospital, at Thermopolis, Wyo., as affiant is informed and believes.

Affiant knows of his own knowledge that such hernia existed before said operation and from personal examination knows that the said White was operated on for such physical condition.

JOHN G. COGSWELL.

Subscribed and sworn to before me this 23d day of March, 1922.

[SEAL.]

A. C. ALLEN, *Notary Public*

My commission expires June 6, 1925.

STATE OF WYOMING,

County of Fremont, ss:

John G. Cogswell, being first duly sworn, on his oath says that he is now and has been for 15 years last past a practicing physician and surgeon at Riverton, Fremont County, Wyo. That affiant is acquainted with John F. White and Mary L. White, husband and wife, of Riverton, Wyo., and has known them for the past six or seven years; that affiant for that period has been the family physician of said John F. White and family. That on or about August 8, 1918, said John F. White, Mary L. White, and their children, Chester X. White and Harry Clinton White, suffered physical injuries while driving in an automobile in the Shoshone Indian Reservation; that the said son, Chester X. White, died at Riverton, January 10, 1921.

That affiant has been caring for the son, Harry Clinton White, since the time of the accident, August 8, 1918; that said son suffers from tachycardia and hyper thyroidism; that he also suffers from traumatic injuries to the spinal column and base of the brain resulting from the accident of August 8, 1918, as this affiant verily believes. The concussion received of the spinal column and the base of the brain resulted in a permanent injury to those tissues, they, therefore, refuse to perform their natural functions since that time.

After continuous care and treatment which the said son, Harry Clinton White, has received, affiant believed that these injuries have resulted in a condition that is incurable.

And further affiant sayeth not.

JOHN G. COGSWELL.

Subscribed and sworn to before me this 23d day of March, 1922.

A. C. ALLEN, *Notary Public*.

My commission expires June 6, 1925.

STATE OF WYOMING,

County of Fremont, ss:

E. D. Brantley, being first duly sworn, on his oath deposes and says that he is now and has been for 25 years last past a practicing physician and surgeon, and for the past four years has resided and practiced his profession in Riverton, Fremont County, Wyo.

Affiant further says that he has been acquainted with John F. White and Mary L. White, his wife, of Riverton, Wyo., for the past four years; that affiant has been called frequently to treat John F. White and Mary L. White, his wife; that they

have been in ill health since affiant's acquaintance with them and that the said Mary L. White has been unable to attend to her household duties without assistance during the entire time of acquaintance of affiant with them.

That on or about August 28, 1921, the said J. F. White called on affiant and at that time was suffering from a strangulated hernia, and affiant made arrangements with Doctor Hamilton, of Thermopolis, Wyo., for an operation to reduce the said strangulated hernia; that affiant was not present at the operation but from examination of the said John F. White since the said operation, affiant knows that the said John F. White was operated on for the above trouble and affliction.

Affiant further says that said hernia was the result of an accident occurring to the said John F. White prior thereto, the particulars of which accident affiant does not have personal knowledge.

E. D. BRANTLEY.

Subscribed and sworn to before me this 23d day of March, 1922.

A. C. ALLEN, *Notary Public*

My commission expires June 6, 1925.

STATE OF WYOMING,

County of Fremont, ss:

E. D. Brantly, being first duly sworn, on his oath deposes and says that he is now and has been for 25 years last past a practicing physician and surgeon.

That for the past four years he has resided at and practiced his profession at Riverton, Wyo.

Affiant further says that he has been acquainted with John F. White, of Riverton, Wyo., for the past four years. That affiant has been called to treat the family of said John F. White frequently during that time and has examined and treated the son, Harry Clinton White.

Affiant further says that he has consulted with Doctor J. G. Cogswell of Riverton, at various times since October, 1920, concerning the illness and treatment of the said son, Harry Clinton White.

Affiant further says that he has been informed that the said John F. White and his family were in an automobile accident on August 8, 1918, that at that time the said son, Harry Clinton White, was injured; and that affiant finds from examinations on numerous occasions that the said son, Harry Clinton White, suffers from traumatic injury to the spinal column and base of the brain, resulting from a physical accident. As appears from numerous examinations, the concussion received by the spinal cord and the base of the brain has resulted in permanent injury to these tissues, which refuse to perform their natural functions. After continuous care and treatment of the said son, Harry Clinton White, affiant says that the injuries have resulted in a condition that is incurable.

E. D. BRANTLY.

Subscribed and sworn to before me this 23d day of March, 1922.

A. C. ALLEN, *Notary Public*.

My commission expires June 6, 1925.

STATE OF WYOMING

County of Fremont, ss:

E. D. Brantly, being first duly sworn, on his oath deposes and says that he is now and has been for 25 years last past a practicing physician and surgeon, and for the past three years has resided and practiced his profession in Riverton, Wyo.

Affiant further says that he is acquainted with John F. White, of Riverton, Wyo., for the past three years, but affiant has been called to treat the family of the said John F. White frequently during that time, and has examined and treated his son, Chester X. White, 10 years of age, and who died on the 10th day of January, 1921.

Affiant further says that he has consulted with Dr. J. G. Cogswell, of Riverton, Wyo., at various times from October, 1920, to January, 1921, concerning the illness and treatment of the said Chester X. White, son of John F. White; that the said Chester X. White was afflicted with cardiac involvement, from which affliction he died.

Affiant further says that the cardiac involvement from which the said Chester X. White died was the result of a shock.

Affiant further says that he has been informed that the said Chester X. White was injured in an automobile accident, and that the shock that said Chester X. White suffered from was undoubtedly caused by said accident; and further affiant sayeth not.

E. D. BRANTLY.

Subscribed and sworn to before me this 5th day of November, 1921.

A. C. ALLEN, *Notary Public.*

My commission expires June 6, 1925.

STATE OF WYOMING,

County of Fremont, ss:

I, Winifred Warren, of lawful age, being first duly sworn, on oath depose and say that I have been employed as a teacher in the Riverton, Wyo., public schools since September, 1921, to the present time; that I have charge of what is called the opportunity class, being a special class for children who are not normal in their school work; that Harry Clinton White has attended my class during the time that I have been employed in said schools; that his attendance has not been very regular during the past three weeks; that I believe the said child is mentally deficient; that during the month of December, 1921, Miss Elsie A. Seyfarth, State director of special classes in the State of Wyoming, visited my class in Riverton, Wyo., and made special examination of Harry Clinton White; that in the presence of the father of Harry Clinton White, John F. White, and also in the presence of the child's mother, I heard Miss Seyfarth state that in her opinion the child should be sent to the school for mental defectives at Lander, Wyo.; that the school records show the child to be 8 years of age; that during the time that the said child has attended my class he has been ill part of the time, and his work in the class has been very unsatisfactory.

WINIFRED WARREN.

Subscribed and sworn to before me this 25th day of March, 1925.

GEORGE F. DOBLER,
United States Commissioner.

My commission expires February 5, 1925.

STATE OF WYOMING,

County of Fremont, ss:

I, Squier Jones, of lawful age, being first duly sworn, on oath depose and say that I am a resident of Riverton, Wyo.; that I have resided in said town for the past six years; that I am well acquainted with John F. White, his wife, and his family, having known them for over six years; that I have been a frequent visitor at the home of the said John F. White ever since I have known him; that I often was at his ranch on the Indian reservation in Fremont County, Wyo., prior to August 8, 1918; that on the morning of August 9, 1918, I was at the ranch of the said John F. White on the said Indian reservation; that at that time Chester X. White and Harry Clinton White were at the home of the said John F. White; that both of the said children were apparently in a dazed condition and were suffering from bruises on the body; that I inquired where the father and mother were and learned that on the previous night John F. White and his wife, Mary L. White, together with the two children, Chester X and Harry Clinton, had all been in an automobile wreck on the reservation, and that John F. and Mary L. White had been taken to the hospital at Lander, Wyo., there not being room in the conveyance to take the two children; that prior to the said accident I had often talked with the two children and with the father and mother, and know that all of them were in good health both mentally and physically; that since the said accident John F. White and family have moved to Riverton, Wyo., and have been neighbors of mine; that I have known them very well and know that since August 8, 1918, all of the said family have suffered from illness more or less; that the said Chester X. White was never after in good health and gradually wasted away until January 10, 1921, when he died; that the child, Harry Clinton, has not seemed right, either mentally or physically, since the said accident, and in my opinion is now in a very poor physical condition, and is not right mentally; that the said John F. White and Mary L. White have each been in very poor health since the said accident; that they often require the attendance of a doctor and I consider that their health has been

greatly impaired; that I have no interest in any way in the above matters, but am stating the facts as I know them.

SQUIER JONES.

Subscribed and sworn to before me this 27th day of March, 1922.

GEORGE F. DOBLER,
United States Commissioner.

My commission expires February 5, 1925.

STATE OF WYOMING,
County of Fremont, ss:

D. T. Hewitt, of lawful age, being by me first duly sworn on his oath according to law, says that he is a farmer and stock raiser and resides upon a farm near the post office of Ethete, on the Shoshoni or Wind River Indian Reservation in Fremont County, Wyo.; that affiant knows and has known John F. White and wife, Mary L. White, together with their family, particularly Chester X. White and Harry Clinton White, since about May 1, 1915, with the exception that said Chester X. White is now dead; that on May 1, 1915, and for some time both prior thereto and subsequent thereto, this affiant was a ditch rider upon the Government ditch on said Indian reservation in the vicinity of the land occupied by the said John F. White and family and that subsequent to said May 1, 1915, and up to August 8, 1918, this affiant often stopped at the White home and took a good many meals with said family; that affiant knows that prior to said August 8, 1918, the health and mental condition of all of said family and particularly of the said Chester X. White and Harry Clinton White was good.

D. T. HEWITT.

Sworn to before me and subscribed in my presence this 27th day of March, 1922.

BRYANT S. CROMER, *Notary Public*

My commission expires December 9, 1924.

STATE OF WYOMING,
County of Fremont, ss.

I, E. P. Parks, of lawful age, being first duly sworn, on oath depose and say that I am a resident of Fremont County, State of Wyoming; that my post-office address is Arapahoe, Wyo.; that I have known John F. White and his wife, Mary L. White and his family of children for several years, having first met them in 1915; that for three years prior to August 8, 1918, I lived near where the said John F. White and family resided on a farm and visited back and forth with them to some extent; that I was familiar with the said John F. White and his family and to the best of my knowledge there was no sickness in the said family, either of the children or of Mr. White or his wife, prior to August 8, 1918; that I knew in a general way about all the people in the neighborhood and I am sure that if there had been any sickness in the said family I would have heard of it.

E. P. PARKS.

Subscribed and sworn to before me this 25th day of March, 1922.

[SEAL.]

GEORGE F. DOBLER,
United States Commissioner.

My commission expires Feb. 5, 1925.

RIVERTON, WYO., April 20, 1922.

HON. JOHN B. KENDRICK,
Washington, D. C.

DEAR SENATOR: Your letter of recent date received. Also letter Commissioner Charles M. Burk, of Indian Affairs, of April 13, attached, asking for more definite and specific information as to Doctor Corey's claim of \$110 to paid board of above two nurses, \$80; to paid funeral expenses Charles Chester, \$200; to paid board of said nurse, \$580; to paid for drugs and medicine approximately \$150; total, \$1,120.

I am inclosing affidavits and receipt covering each item asked for. I will also make a short explanation of each.

Some time last fall I received a letter from Mr. E. A. Hutchison asking for bills and receipts for moneys paid out on account of auto accident of August 8, 1918, and I furnished him the receipts which are now on file with my claim. I turned these bills and receipts in to Mr. E. A. Hutchison in person, and he asked where was Doctor Corey's; that he had made an affidavit setting forth the services performed by him the night of the auto accident. I explained to him that Doctor Corey had left the country owing to some woman trouble or scandal; that he had never presented me a bill, but nevertheless I owed him for service, and so we computed his mileage which was 17 miles from scene of accident to Lander, and return, total 34 miles; and estimated money to be due him approximately \$110.

Explanation of above: "To paid board two nurses, \$80." This was for Mr. and Mrs. E. J. Leake, who took the injured children to my ranch home and ate food at my table at my ranch house, and we estimated the food which they ate as being \$40 per month each; total \$80. "To paid board of said nurse, \$580." Mrs. Jane Pettis entered my employ about the 15th of September, 1918, for the purpose of caring for the injured members of my family. She was there continuously until January, 1921. It was estimated at the time of turning in this bill that she had eaten \$580 worth of food from my table, but I am sure that it was greater. "To paid funeral expense of Charles Chester, \$200." Bill from C. H. Long & Sons, \$101; estimated cost of headstone to mark grave, \$99; total, \$200. "To paid for drugs and medicines approximately \$150." These drugs were purchased from time to time as needed for the persons injured in the accident, in small amounts usually running from less than \$1 to \$3.

Hoping that this matter is covered satisfactorily to the department, I remain,
Yours very truly,

JOHN F. WHITE.

STATE OF WYOMING,
County of Fremont, ss:

E. J. Leake, being first duly sworn, deposes and says that during the years of 1918 and 1919 affiant resided on a farm located on the Little Wind River in Fremont County, Wyo., in the neighborhood of the farm on which John F. White resided.

That on or about midnight of August 8, 1918, myself and wife were called to assist the said John F. White and his family, who had been injured in an automobile accident.

That myself and wife continued to assist the said John F. White in caring for his children who were injured in the said wreck, and at his request assisted him in his business affairs for a period of one month, at the end of which time at his request I employed Mrs. Jane Pettis, who entered the employ of John F. White about the 15th of September, 1918, and to my personal knowledge remained continuously in the employ of said John F. White until January, 1921, during all of which time said Jane Pettis was furnished board and lodging at the home of said John F. White.

Affiant further says that \$40 a month is a reasonable charge for board and lodging in this county during the years of 1918, 1919, and 1921. That said Jane Pettis remained in the employ of the said John F. White for 28 months and that the sum of \$1,020 is a fair and reasonable charge for the board and lodging of the said Jane Pettis.

E. J. LEAKE.

Subscribed and sworn to before me this 19th day of April, 1922.

A. C. ALLEN, Notary Public.

My commission expires June 6, 1925.

STATE OF WYOMING,
County of Fremont, ss:

E. J. Leake and his wife, Ellen Leake, each for themselves and not one for the other, being first duly sworn depose and say that on or about midnight of August 8, 1918, they were called by John F. White to care for his children, Chester X. White and Harry Clinton White, who were on that night injured in an automobile accident.

Affiants further say that they remained in the service of the said John F. White caring for the said children until the 8th day of September, 1918, a period of one month, and were furnished board and lodging during that period, and that said board and lodging was reasonably worth the sum of \$80.

E. J. LEAKE.
ELLEN LEAKE.

Subscribed and sworn to before me this 18th day of April, 1922.

D. J. VENLI, *Notary Public*.

My commission expires July 7, 1924.

STATE OF WYOMING,
County of Fremont, ss:

R. D. Richards, being first duly sworn, deposes and says that he is a registered pharmacist and has owned the Pioneer Drug Store, located at Riverton, Wyo., since the 27th day of March, 1920.

Affiant further says that he is acquainted with John F. White, of Riverton, and between the dates above stated furnished drug supplies to the said John F. White for his injured boy, Chester X. White, now deceased.

That affiant is unable to state a definite amount of medicine furnished for the use of said Chester X. White for the reason that most of the purchases were paid for in cash.

Affiant further says that he believes that the said John F. White purchased drugs and medicine during said period of time amounting to at least the sum of \$50, and further affiant saith not.

R. D. RICHARDS.

Subscribed and sworn to before me this 18th day of April, 1922.

A. C. ALLEN, *Notary Public*.

My commission expires June 6, 1925.

STATE OF WYOMING,
County of Fremont, ss:

B. L. Mason, being first duly sworn deposes and says that he was the owner of the Pioneer Drug Store at Riverton, Wyo., for a number of years prior to March, 1920, at which time he sold said store to R. D. Richards, who ever since has been the owner thereof.

Affiant further says that on information and belief, John F. White and family suffered from an automobile accident occurring on or about the 8th day of August, 1918, and that from the month of October, 1918, until March, 1920, the said John F. White purchased large amounts of drugs and medicines at the store of affiant, and that affiant was informed that said drugs and medicines were required in the home of said John F. White in the care of his son Chester X. White and other members of the family.

Affiant further says that the said John F. White, with one exception, paid cash for the drugs and medicines purchased, and affiant has no way of accurately stating the amount of said purchases, but know that the amount was large.

That affiant believes that \$100 would not be an excessive amount of such purchases; that said amount is not based on actual knowledge but on the best information and belief of affiant.

Affiant further says that there is now due from the said John F. White to affiant the sum of \$2.75, being for a truss purchased for Harry Clinton White, the son of the said John F. White, by Dr. John G. Cogswell and charged to the said John F. White.

And further affiant sayeth not.

B. L. MASON.

Subscribed and sworn to before me this 19th day of April, 1922.

[SEAL.]

A. C. ALLEN, *Notary Public*.

My commission expires June 6, 1925.

STATE OF WYOMING.

County of Fremont, ss:

John F. White, being first duly sworn, deposes and says that the bill of C. H. Long for funeral expenses incurred in the burial of Chester X. White, his son, for \$101 is hereto attached; affiant further says that a small headstone which he is preparing to erect on the grave of his said son will cost \$100.

Affiant further says that Doctor Corey, who attended this affiant and family on the night of August 8, 1918, when he was injured, has removed from Fremont County and affiant has no knowledge of his present residence; affiant further says that he has furnished affidavit of the said Doctor Corey, which is on file in the Indian Department at Washington, concerning the care of affiant and his family immediately after said injury; affiant further says that the estimate for the bill of Doctor Corey amounting to \$110 is based upon the advice furnished affiant by Dr. J. F. Replogle, of Lander, Wyo., who had personal knowledge of the service rendered by Doctor Corey; and this affiant was informed by the said Dr. J. F. Replogle that said amount of \$110 was fair and reasonable for the services rendered affiant and his family; and that said service was rendered this affiant immediately following the said accident to affiant and his family.

And further affiant sayeth not.

JOHN F. WHITE.

Subscribed and sworn to before me this 19th day of April, 1922.

A. C. ALLEN, *Notary Public.*

My commission expires June 6, 1925.

○