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69TH CONGRESS }
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SENATE

{ REPORT
No. 252

HELEN M. PECK

MARCH 3, 1926.—Ordered to be printed

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

REPORT

[To accompany S. 466]

The Committee on Claims, to whom was referred the bill (S. 466) for the relief of Helen M. Peck, having considered the same, report favorably thereon with the recommendation that the bill do pass without amendment.

A similar bill passed the Senate in the Sixty-eighth Congress.

The facts are fully set forth in Senate Report No. 981, Sixty-eighth Congress, second session, which is appended hereto and made a part of this report.

[Senate Report No. 981, Sixty-eighth Congress, second session]

The Committee on Claims, to whom was referred the bill (S. 2438) for the relief of Helen M. Peck, having considered the same, report favorably thereon with the recommendation that the bill do pass without amendment.

The bill provides for the payment of \$230.50 to Helen M. Peck in full satisfaction of all claims for damages sustained on January 20, 1921, through the loss of two horses and two packsaddles while in the use of the National Park Service at Grand Canyon National Park.

The bill has the favorable recommendation of the Secretary of the Interior, as will be seen from the following correspondence, which is appended hereto and made a part of this report.

DEPARTMENT OF THE INTERIOR,
Washington, March 12, 1924.

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

MY DEAR SENATOR CAPPER: Receipt is acknowledged of your letter of February 9, requesting a report on S. 2438, entitled "A bill for the relief of Helen M. Peck."

The records of this department show that in the early part of January, 1921, Mr. D. L. Reaburn, then superintendent of Grand Canyon National Park, rented

from Mr. Homer J. Arnn two horses belonging to Mrs. Helen M. Peck for use in packing supplies and materials down the trails to the Colorado River. These supplies and materials were for use in the construction of the suspension bridge then being built.

No formal contract was entered into, the arrangements all being verbal, and the agreement was to pay \$1 per day for the use of each horse. It appears that on January 20, 1921, the pack train, under the charge of Mr. Arnn and Park Ranger Carey F. Peck, consisted of seven horses. On the way down the canyon one of the horses began to kick and plunge and Mr. Arnn and Ranger Peck started to cut the ropes with which the horses were tied together. Before they could cut all the ropes three horses went over the cliff, one being a Government-owned horse, the other two being those rented from Mr. Arnn. When the three horses went over, Ranger Peck, who was on the lower side of the trail, was shoved about 12 feet down the slope against a bush and narrowly escaped death by going over the cliff with the horses.

On December 7, 1923, Mr. W. W. Crosby, then superintendent of the park, transmitted to the service a claim submitted by Mr. Arnn, as agent for Mrs. Peck, accompanied by certain affidavits, covering the loss of these horses. The amount of the claim was \$230.50, made up as follows:

One strawberry roan gelding.....	\$112. 50
One light gray gelding.....	75. 00
Two new packsaddles, at \$21.50.....	43. 00
Total.....	230. 50

Copies of the pertinent papers in the case taken from the files are inclosed for your information.

As there was no formal contract entered into covering the rental of these horses or to cover the payment of the value of them in case of loss or destruction, there is no contractual liability on the part of the United States to reimburse Mrs. Peck or Mr. Arnn for their loss. However, the claim appears to have merit and it is respectfully recommended that the bill be given favorable consideration.

The foregoing report was submitted to the Bureau of the Budget, and on February 29 the director advised that the report was not in conflict with the financial program of the President.

Very truly yours,

HUBERT WORK.

FLAGSTAFF, ARIZ., December 10, 1922.

Mr. W. W. CROSBY,
Superintendent Grand Canyon National Park,
Grand Canyon, Ariz.

DEAR SIR: In the early part of January, 1921, the Park Service hired from me, acting as agent for Helen M. Peck, two horses belonging to Helen M. Peck. These horses were to be used for the purpose of packing material to the Colorado River to be used in the construction of the suspension bridge across the river.

They agreed to pay me \$1 per day each for the use of these horses. On the start of the second trip, January 20, 1921, the two horses were killed by being thrown from the trail near the head of Bright Angel Trail.

The accident was caused directly by one Government horse, unused to trail and never before packed, but placed in pack train by Superintendent Reaburn's orders. This horse started bucking and plunging and thus pushed the other two, belonging to Helen M. Peck and himself, off the trail.

One of these was a strawberry roan gelding, weight about 1,150 pounds, "51" brand, left hip; value, \$112.50. The other was a light-gray gelding, weight about 1,000 pounds, "HT" brand, left thigh; value, \$75.

On each horse was a new packsaddle, also belonging to Helen M. Peck, valued at \$21.50 each. Both were completely demolished, making a total loss of \$230.50.

I, being responsible to her in this amount, and in view of above facts, I believe that the Park Service should reimburse me. For that reason I trust you will present this claim to the proper authorities and that they will act favorably on the same. I am inclosing herewith one affidavit from Carey F. Peck, ranger, and one from Helen M. Peck, substantiating the above facts.

Yours very respectfully,

HOMER J. ARNN.

GRAND CANYON, ARIZ.,
October 14, 1922.

I, Carey F. Peck, ranger, United States National Park Service, was present at the head of Bright Angel Trail January 20, 1921, assigned to special duty as packer, together with Homer J. Arnn, when two horses belonging to Helen M. Peck were thrown from the trail and killed.

There being no railing at the head of the trail to prevent loose animals from turning back, we had tied together seven head in order to get them down two turns of trail from where they could not turn back. After going down two turns we were trying to untie them when one Government horse unused to trail and never before packed (but used by Superintendent Raeburn's orders) became frightened and got tangled in the lead ropes and started bucking and plunging and thus pushed off the trail the two horses belonging to Helen M. Peck.

One was a strawberry roan gelding, weight 1,150 pounds, "51" brand, left hip, value \$112.50. The other was a light gray gelding, weight 1,000 pounds "HT" brand, left thigh, value \$75. On each horse was a packsaddle, also belonging to Helen M. Peck, valued at \$21.50. Both were completely demolished, making total loss \$230.50.

CAREY F. PECK.

L. F. KENNEDY,
Notary Public, Coconino County, Ariz.

Commission expires December 5, 1925.

GRAND CANYON, ARIZ.,
December 10, 1922.

This is to certify that I, Helen M. Peck, owned by clear title and was in possession of two horses, one strawberry roan gelding, weight about 1,150 pounds, "51" brand left hip, value \$112.50; the other a light gray gelding, weight about 1,000 pounds, "HLT" brand left thigh, value \$75; and that same were hired by my agent, Homer J. Arnn, to the National Park Service, Grand Canyon National Park, for the purpose of packing Government material down the Bright Angel Trail to the river in connection with the construction of the Kaibab Suspension Bridge, at the rate of \$1 per day per animal, and that on January 20, 1921, same were killed by being thrown from the trail, and also demolishing two pack saddles, valued at \$21.50 each, which was also the property of myself and hired in connection with the horses.

This will further certify that I have not received reimbursement for the above horses and saddles, the total valuation of which is \$230.50.

It was inferred by me, when the above-mentioned horses were hired and pack saddles rented, that same would be returned in good condition after same had served their purpose.

HELEN M. PECK.

STATE OF ARIZONA,
County of Coconino:

This will certify that the above-named Helen M. Peck, to me known and identified, appeared before me this 10th day of December, 1922, and took oath to the statements made over her signature as being true and in fact.

L. F. KENNEDY, Notary Public.

My commission expires December 5, 1925.

MEMORANDUM FOR SUPERINTENDENT

About 10.30 a. m., January 20, 1921, Ralph Cameron, jr., came to the office and reported that three of the animals in Ranger Peck's pack train had gone over the trail near the start. I immediately went with Mr. Shirley, of the Harvey Co., and three of his men to investigate.

I found Peck's roan horse lodged on the trail below the 540-foot mark, his gray horse on the next turn below, and the black Government horse at the next turn below the tunnel. We rolled the two horses above down to where the black horse was lodged, and then went to lunch.

After lunch I went with Mr. Akherst and his three men, with two of Mr. Shirley's men, and after quite a lot of trouble got all the carcasses to the next bend,

which overlooks a deep gulch, and rolled them over. They lodged on the bottom of a rocky draw quite a distance from any part of the trail. Then we cleaned up the entrails and blood as best we could and covered the blood with snow and dirt.

The next morning (January 21, 1921) we went down again to pack the rigging and packsaddles out, also with the intention of burning the carcasses, but found it impossible to get wood enough in this vicinity. I presume it will be necessary to pack wood down from the rim if it is necessary to burn them. There is no soil in this draw, but plenty of rocks, but if they were covered in this manner perhaps they would smell badly when warm weather comes. Perhaps if they were covered with lime first they would be all right.

Ranger Peck says they were just beginning to untie, and the black began to kick and pitch, pulling the roan horse over and he taking the gray also. Peck almost went over himself in trying to get them loose. He says if he does not wait until starting on the trail before untying he can not get the stock started on the trail. They went over about 100 yards beyond Kolb's house.

In order to prevent the possibility of any more accidents like the above I believe it would be better to pack the cable down on a stone boat instead of on stock. This would probably hurt the trail a little, but I think would be much safer.

C. J. S.

THE BOXCRAFT CO.,
Los Angeles, Calif., November 28, 1923.

Col. W. W. CROSBY,
*Superintendent Grand Canyon National Park,
Grand Canyon, Ariz.*

DEAR SIR: Reference is made to the undated "Memorandum for superintendent," in regard to the loss of three horses on Bright Angel Trail, Grand Canyon National Park, Ariz., January 20, 1921. This memorandum is signed "C. J. S." and was hastily written by me as chief ranger of the park to Supt. D. L. Reaburn to form the basis of his report. The facts in the matter to the best of my knowledge and belief are as follows:

The roan and gray horses mentioned were the property of Mrs. Helen M. Peck, and were on the pay roll in the name of Homer J. Arnn, who acted as her agent, since he had a number of animals in this train also hired by the Government.

The packsaddles and rigging on these two animals belonged to Mrs. Peck and were completely demolished. As a matter of fact none of the three outfits was even packed back up the trail.

It was customary to refer to the Government pack train as "Peck's pack train," as he was in charge of it, and also to refer to the roan and gray horses as Peck's roan and gray to distinguish them from Government-owned stock or that owned by Homer Arnn.

Respectfully,

CHAS J. SMITH.

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