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Letter from the Acting Secretary of the Interior, relative to the claim of Charles Autobees, on account of depredations alleged to have been committed upon his property by Comanche, Arapaho, and Cheyenne Indians.

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CHARLES AUTOBEES.

LETTER

FROM THE

ACTING SECRETARY OF THE INTERIOR,

RELATIVE TO

The claim of Charles Autobees, on account of depredations alleged to have been committed upon his property by Comanche, Arapaho, and Cheyenne Indians.

JANUARY 10, 1873.—Referred to the Committee of Claims and ordered to be printed.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., January 9, 1873.

SIR: The accompanying claim of Charles Autobees for depredations committed upon his property in 1861 and 1864 by Comanche, Arapaho, and Cheyenne Indians, is submitted to Congress as required by the seventh section of the act approved 29th May, 1872, entitled "An act making appropriations for the current and contingent expenses of the Indian Department." (Pamphlet Laws, 2d session 42d Congress, p. 190.) The amount claimed is \$3,390.

I have the honor to be, very respectfully, your obedient servant,
B. R. COWEN,
Acting Secretary.

Hon. JAS. G. BLAINE,
Speaker of the House of Representatives.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, D. C., June 3, 1872.

SIR: I have the honor to submit herewith, for your decision, a claim of Charles Autobees, on account of depredations alleged to have been committed upon his property by Comanche, Arapaho, and Cheyenne Indians.

The property claimed to have been lost by the claimant consisted of twenty-six horses, seven of which, it is charged, were stolen by the Kiowas, on the 31st December, 1861, and are valued at \$150 each, and

the remainder on the 12th of August, 1864, and are valued, two at \$250 each, one at \$240, and sixteen at \$100 each, making the total amount of the claim on account of both depredations \$3,390.

I am of the opinion that the evidence adduced establishes the fact of the depredations having been committed as charged, and respectfully suggest that Mr. Autobees be allowed such sum as may be deemed a just indemnification for the loss sustained; excepting, properly perhaps, that part of the claim which is for the value of the horses taken on the 31st December, 1861, for the reason that no claim was presented therefor within three years after the date of the depredation, as required by the seventeenth section of the act of June 30, 1834, regulating trade and intercourse with Indian tribes. The case, embracing both depredations, appears to have been submitted for the first time to the Department in April, 1867, when it was filed in this Bureau by the Hon. A. A. Bradford, Delegate to Congress from Colorado Territory.

I regard the testimony with respect to the quality and the value of the horses lost by the depredation on 12th August, 1864, as not sufficient to justify an allowance of the whole amount claimed. For the three horses rated at the highest prices I recommend that \$150 each be estimated as their fair value, and \$75 each for the remaining sixteen, making the total sum \$1,650.

The claim was duly presented to the Cheyennes in council by the proper agent of the Government, under instructions from this Office. They denied any participation in the outrage, and charged the same upon the Comanches.

Very respectfully, your obedient servant,

F. A. WALKER,
Commissioner.

Hon. C. DELANO,
Secretary of the Interior.

CLAIM OF CHARLES AUTOBEEES.

TERRITORY OF COLORADO, *Pueblo County, ss :*

Charles Autobees, claimant herein, a citizen of the county of Huerfano, in the Territory of Colorado, being duly sworn, states under oath that he resides on the Huerfano River, near its mouth and junction with the Arkansas River, in the county of Huerfano, and Territory of Colorado, and has resided in that place ever since the year 1853; that he is a farmer by occupation, and one of the first permanent settlers on the said Huerfano River. That on the 31st day of December, A. D. 1861, a band of the Comanche Indians came to his ranch at the mouth of the Huerfano, as aforesaid, where he then resided, and yet resides, and forcibly took and drove off with them eight head of horses belonging to said affiant; that he afterward pursued said Indians and found two or three chiefs of said tribe of Indians at Fort Lyon, (then Fort Wise), on the Arkansas River. This was a few days after said horses had been taken. The Indians were having a talk with Dr. Culbertson, whom this affiant understood was then Indian agent. This affiant told these chiefs that he had come there for his horses, and they told him that their "people" had driven them off and promised to restore them to this affiant. That some time afterward, through said Dr. Culbertson and "Buffalo Hump," one of said chiefs, affiant received one of said horses, the only one sent back by said Indians; and that he has never to this day received the other seven head of horses, nor any one of them, nor any pay or compensation for them from any source whatever. That he made affidavits concerning this matter in the summer of 1862, which affidavits were taken by Major Colley, then Indian agent at Fort Lyon, who promised to take them to Washington and present to the Government of the United States for payment; but that he, this affiant, has never heard anything further concerning the matter.

Affiant further deposes and says that afterward, to wit, on the 12th day of August, in the year A. D. 1864, a party of Indians, composed of the Arapaho and Cheyenne tribes, came on the Arkansas River at a point at the mouth of the stream called the Apishpa, in said county of Huerfano, a few miles below the said mouth of the Huer-

fano, where affiant resides; that the horses and other stock of this affiant were being then herded at the said mouth of the Apishpa; and that the said Arapaho and Cheyenne Indians then and there forcibly took and drove off nineteen head of horses belonging to this affiant; that he made diligent efforts to recover said horses, but was unable to do so, and has, up to this time, never recovered said horses, nor any one of them; that he has never received any pay or compensation for said horses, nor any one of them, from any source whatever. That at the battle of "Sand Creek," so called, he saw and recognized one of the said horses in the possession of the Arapaho and Cheyenne Indians; that said horse was at said battle captured and taken by the United States troops and taken away with the other horses there captured; and that this affiant never got possession of said horse, nor any pay or compensation for the same.

This affiant further states that the said seven head of horses taken and carried off and retained by the said Comanche Indians were of the average value of \$150 each, amounting altogether to the sum of \$1,050; and that of the said nineteen head of horses taken and carried off by the said Arapaho and Cheyenne Indians, one span of fine blooded horses were worth \$500, one other horse was worth \$240, and that the other sixteen head of the lot were of the average value of \$100 each, the whole value of the nineteen head of horses amounting to \$2,340; and that the entire value of the seven head of horses first mentioned, together with the said last-mentioned nineteen head of horses, amounts to the sum \$3,390. Affiant further states that he was the lawful owner of each and all of said two lots of horses, making twenty-six head of horses, at the time they were so taken by Indians; that he has never received any pay or compensation whatever for said horses, or any part of them, from any source whatever; that he has never sold or transferred his claim therefor to any person or persons whomsoever; that the value and price of said horses as given above is reasonable and just, and does not exceed the market price of said horses at the time they were so taken by said Indians; and that the said sum of \$3,390 is justly due him as compensation for the loss of said twenty-six head of horses in the manner aforesaid, and therefore prays that his claim for said sum of money may be speedily and favorably considered by the proper officers of the Government of the United States, and recommended for immediate payment.

his
CHARLES + AUTOBEES.
mark.

Sworn to and subscribed before me, Moses Hallett, chief justice of Colorado Territory, at Pueblo, in the county of Pueblo and Territory of Colorado, this the 25th day of September, A. D. 1866, as witness my hand and the seal of the court of the third judicial district of said Territory.

[SEAL.]

MOSES HALLETT,
Chief Justice Supreme Court, Colorado Territory.

TERRITORY OF COLORADO, *Pueblo County, ss:*

James Taylor, being duly sworn, states under oath that he is a resident of Huerfano County, Colorado Territory; that he has lived in said county, on the ranch of Charles Autobeas, ever since the year 1855, and has known said Charles Autobeas ever since said year 1855; that he was living there in the year 1861, and knows that on New Year's eve, December 31, 1861, a party of Comanche Indians came to said ranch and drove off eight head of horses belonging to said Charles Autobeas; that the Indians were pursued a few days afterward by Charles Autobeas and others for the purpose of getting back said horses, but that none of them were recovered except one, which was afterward sent up from Fort Lyon; that said eight head of horses were at that time worth \$150 each at a fair average valuation. Affiant further states that on the 12th of August, 1864, a large party of Arapaho and Cheyenne Indians drove off nineteen head of horses from the stock herd, at the mouth of the Apishpa, belonging also to the said Charles Autobeas; that this affiant, who was then in the employ of Charles Autobeas, had driven all of said horses from the ranch on the Huerfano to the stock ranch at the mouth of the Apishpa only two days before the said Indians drove them off, and that he knows all of said horses and their value; that there were three of them fine blooded horses and worth \$250 each, and that the rest of the said nineteen head were worth at least \$100 each.

his
JAMES + TAYLOR.
mark.

Subscribed and sworn to before me, Moses Hallett, chief justice of Colorado Territory, at Pueblo, in the county of Pueblo and Territory of Colorado, this 25th day of September, A. D. 1866, as witness my hand and the seal of the district court of the third judicial district of said Territory.

[SEAL.]

MOSES HALLETT,
Chief Justice Supreme Court, Colorado Territory.

TERRITORY OF COLORADO, *Pueblo County, ss :*

Duncan McKeith, being duly sworn, deposeth and says, that he resides in Huerfano County, Colorado Territory; that he has lived on the Huerfano River at and near the ranch of Charles Autobees ever since the year 1858; that he is well acquainted with the said Charles Autobees, and has known him for more than eight years; that he was living on the ranch of said Charles Autobees in 1831, and that in the winter of that year, the day before New Year's, a party of Comanche Indians came to the said ranch and forcibly drove off with them eight head of horses belonging to the said Charles Autobees, and that all of said horses were, at that time, the best horses in the country. Affiant further states that afterward, in the first part of the month of August, in the year 1864, he knows that a party of Arapaho and Cheyenne Indians drove off from the stock ranch, at the mouth of the Apishpa, nineteen head of horses belonging to the said Charles Autobees, and that the said Charles Autobees has never got back any of said horses so taken by the said Indians.

DUNCAN McKEITH.

Sworn to and subscribed before me, Moses Hallett, chief justice of the Territory of Colorado, this 25th day of September, at Pueblo, in Pueblo County, Colorado Territory, as witness my hand and the seal of the district court of the third judicial district of said Territory.

[SEAL.]

MOSES HALLETT,
Chief Justice Supreme Court, Colorado Territory.

TERRITORY OF COLORADO, *Pueblo County, ss :*

Jose Maria Autobees, being sworn, deposeth and saith that he is a son of Charles Autobees, and lived on the ranch of the said Charles Autobees since the year 1861; that he was there on the last of December, 1861, when a party of Comanche Indians came to the ranch and drove off eight head of his father's (Charles Autobees's) horses, one of which was afterward sent back from Fort Lyon by the Indian agent there, who sent it up by a soldier, and that this was all that has ever been got back. This affiant further states he knows that a party of Arapaho and Cheyenne Indians, some time in August, in the first part of the month, in the year 1864, drove off nineteen of his father's horses that were in a herd of stock at the mouth of the Apishpa, on the Arkansas River, and that the said Charles Autobees never got any of said horses back.

JOSE MARIA + AUTOBEES.
his
mark.

Subscribed and sworn to before me, Moses Hallett, chief justice of Colorado Territory, this 25th day of September, A. D. 1866, at Pueblo, in the county of Pueblo, and Territory of Colorado, as witness my hand and the seal of our district court of the third judicial district of said Territory.

[SEAL.]

MOSES HALLETT,
Chief Justice Supreme Court, Colorado Territory.

TERRITORY OF COLORADO, *Pueblo County, ss :*

Mantine Chavez, being duly sworn, says that he resides on Charles Autobees's ranch on the Huerfano, in Huerfano County, Colorado Territory; that he has lived there nearly three years last past and has known Charles Autobees during that time; that he was the herder of Charles Autobees's stock (horses and cattle) during the summer of 1864; and that some time in the first part of the month of August, 1864, while he was in charge of the herd on the Arkansas River, at the mouth of the Apishpa, a large party of Arapaho and Cheyenne Indians came there and run off nineteen head of Charles Autobees's horses and chased this affiant a considerable distance and came near killing him with spears, but he ran into the thick bushes, and with the aid of a large dog that helped herd, he barely escaped with his life. He knows they were Arapaho and Cheyenne Indians, and saw them drive off the said nineteen head of horses.

MARTINE + CHAVEZ.
his
mark.

Subscribed and sworn to before me, Moses Hallett, chief justice of Colorado Territory, this 25th day of September, A. D. 1866, at Pueblo, in Pueblo County, Colorado Territory, as witness my hand and the seal of our court of the third judicial district of the Territory aforesaid.

[SEAL.]

MOSES HALLETT,
Chief Justice Supreme Court Colorado Territory.

TERRITORY OF COLORADO, *Pueblo County, ss :*

I, the undersigned, Mark G. Bradford, clerk of the United States district court for the third judicial district of Colorado Territory, do hereby certify that I am well acquainted with Charles Autobeas, claimant and affiant in the affidavit hereto attached, that he is a citizen of the county of Huerfano, in the Territory of Colorado; that he is now, and has been during the whole time of the late war, thoroughly and unquestionably loyal to the Government of the United States; and moreover, that he, the said Charles Autobeas, is a credible person and entirely worthy of belief in all the matters and things wherein he deposes in the foregoing affidavits. Witness my hand and the seal of our said court this the 25th day of September, A. D. 1868.

[SEAL.]

MARK G. BRADFORD, *Clerk.*

TERRITORY OF COLORADO, *Pueblo County, ss :*

Albert G. Boone, being duly sworn, deposes and says that he is a citizen of Pueblo County, Colorado Territory; that he resides on the Arkansas River, opposite the mouth of the Huerfano, and a short distance from the ranch of Charles Autobeas, in Huerfano County; that he knows the said Charles Autobeas well, and has lived neighbor to him for about five years; that some time during the latter part of the month of August, of the year 1864, Major Ed. Wynkoop stopped at affiant's house, on his way from Fort Lyon to Denver, accompanied by several chiefs of the Arapaho and Cheyenne tribes, who were going to make a treaty with the governor of the Territory; that among these Indians were the following-named chiefs, to wit: Nah-no-na, Nan-to-na, and Nee-bee-ah, (Arapaho chiefs,) and Black-Kettle and White-Antelope, (Cheyenne chiefs,) and that through the interpreter this affiant, who had heard of the driving off of a lot of horses belonging to Charles Autobeas by the Arapaho and Cheyenne Indians, asked said named Arapaho and Cheyenne chiefs if they knew anything about the taking of said horses, and they, the chiefs, said then and there that their people had taken and carried off nineteen head of horses from Charles Autobeas's ranche a short time before this. Charles Autobeas was also present, together with Major Wynkoop, when this conversation occurred, which, to the best of this affiant's recollection, was in the latter part of August, or 1st of September, of the year 1864. Affiant further states that he knows the said Charles Autobeas to be one of the earliest pioneer settlers of this country, and much esteemed for his honesty, loyalty, and general good character.

ALBERT G. BOONE.

Subscribed and sworn to before me, United States commissioner for the third judicial district of Colorado Territory, at Booneville, in the county of Pueblo and Territory of Colorado, this the 1st day of October, in the year 1866. Witness my hand and seal this the day and year aforesaid.

[SEAL.]

HENRY M. FOSDICK,
United States Commissioner in and for Colorado Territory.

CHEYENNE AND ARAPAHO AGENCY, INDIAN TERRITORY,
Second Month 1st, 1872.

ENOCH HOAG, *Superintendent Indian Affairs :*

The claim of Charles Autobeas, for a depredation alleged to have been committed by Comanche Indians, and, upon being submitted to them, in council, charged to the Cheyennes, was presented to the chiefs and head-men of the Cheyennes, in council, for investigation, and satisfaction therefor demanded. After a careful explanation of the facts pertaining to the claim, the Cheyennes deny any participation in the outrage, but say that it was committed by the Comanches.

Respectfully.

BRINTON DARLINGTON,
United States Indian Agent, Cheyennes and Arapahoes.