

2-25-1873

Letter from the Secretary of the Interior, relative to the claim of Jose A. Baca for depredations committed in August, 1868, by Kiowa and Comanche Indians

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



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

Recommended Citation

H.R. Exec. Doc. No. 228, 42nd Cong., 3rd Sess. (1873)

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

JOSÉ A. BACA AND ROMALDO BACA.

LETTER

FROM THE

SECRETARY OF THE INTERIOR,

RELATIVE TO

*The claim of José A. Baca for depredations committed in August, 1868, by
Kiowa and Comanche Indians.*

FEBRUARY 25, 1873.—Referred to the Committee on Indian Affairs and ordered to be printed.

DEPARTMENT OF THE INTERIOR,
Washington City, February 21, 1873.

SIR: In compliance with the terms of the seventh section of the act approved May 29, 1872, entitled "An act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1873, and for other purposes," I have the honor to transmit herewith the claim of José A. Baca and Romaldo Baca for compensation on account of depredations committed by Kiowa and Comanche Indians.

A letter, (copy inclosed,) dated the 15th day of February, 1873, from the Commissioner of Indian Affairs, reporting the nature, character, and amount of said claim, is accompanied by the evidence presented in support thereof, and shows the action taken by that officer, under the rules and regulations prescribed by this Department for the investigation of such claims; all of which is respectfully submitted for the consideration of Congress, as contemplated by said seventh section of the act aforesaid.

Very respectfully, your obedient servant,

C. DELANO,
Secretary.

The Hon. SPEAKER of the House of Representatives.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, D. C., February 15, 1873.

SIR: I have the honor to submit herewith, for the action of the Department, a claim of José A. Baca and Romaldo Baca, citizens of New

Mexico, for \$2,745, being the value of sixty-one head of oxen, at \$45 each, charged to have been stolen from their trains at Lower Cimarron Springs, on the 26th of August, 1868, by Comanche Indians.

The evidence adduced is deemed sufficient to justify a favorable consideration of the claim. Of the sixty-one head of oxen, twenty-five were taken from the train of José A. Baca and thirty-six from that of Romaldo Baca. Claimants, at the time of the outrage, were on their way to the States for the purpose of freighting goods, and the cattle were doubtless drawing their wagons. If they were work-oxen, and such is the presumption, the value fixed upon the animals is reasonable. It is estimated that a yoke of work-oxen is worth from \$75 to \$100. It is therefore recommended that this claim be allowed in full.

Very respectfully, your obedient servant,

H. R. CLUM,
Acting Commissioner.

HON. C. DELANO,
Secretary of the Interior.

CLAIM OF JOSÉ A. BACA AND ROMALDO BACA.

Petition.

UNITED STATES OF AMERICA,

Territory of New Mexico, County of San Miguel :

To the honorable agent and superintendent of the Kiowa and Comanche tribes of Indians :

Your petitioners, José A. Baca and Romaldo Baca, residents of Las Vegas, New Mexico, and loyal citizens of the United States, would respectfully state to you that, on the 26th day of August, 1868, their train was attacked at the Lower Cimarron Springs, in the Territory of New Mexico, in the day-time, by between seventy-five and eighty Kiowa and Comanche Indians, then at amity with the United States; twenty-five of the oxen of the said José A. Baca, of the value of \$45 each, and thirty-six oxen of the said Romaldo Baca, of the value of \$45 per head, were taken, stolen, robbed, and driven away by said Indians. Your petitioners further state that two of the wagoners were killed by the Indians, but the courage of the men, after fighting all day, prevailed, and said Indians were prevented from capturing any of the said oxen, except as above stated. Your petitioner would further state that they have never recaptured from said Indians any of said oxen, nor obtained from any source payment or satisfaction for said loss, nor have they in person, or by agent, or by attorney, in any manner sought or attempted to obtain any private satisfaction or revenge from said Kiowa and Comanche Indians, for or on account of said loss of property. Your petitioners would further state that no cause or provocation of any kind was given to said Indians to induce said attack, as said petitioners were peacefully traveling with their train of wagons, as licensed freighters, from their home in Las Vegas, along the public and national highway leading from Santa Fé, New Mexico, to Kansas City, in the State of Missouri. Your petitioners herewith present the proof of said robbery and loss, and ask that such steps be taken in the premises, in accordance with the acts of Congress in such cases made and provided, as will procure indemnity for said loss out of the annuities of said Indians, due and owing to said Kiowa and Comanche Indians, under treaty stipulations with the United States.

All of which is respectfully submitted.

JOSÉ ALBINO BACA.
ROMALDO BACA.

TERRITORY OF NEW MEXICO, *County of San Miguel :*

José Albino Baca and Romaldo Baca, upon their oath state that the above petition, by them signed, is true in substance and in fact, so far as stated from their own knowledge, and, so far as stated from the information of others, they believe them to be true; and I certify that I know the character of José Albino Baca and Romaldo Baca for truth and veracity to be good.

In witness whereof I have hereunto set my hand and seal of court, this sixth day of April, 1869.

[SEAL.]

DEMETRIO PEREZ,
Clerk of Probate Court, San Miguel County.

Joint affidavit of Francisco Gallegos and Rafael Ortis y Chavis.

TERRITORY OF NEW MEXICO,

County of San Miguel :

We, Francisco Gallegos, a resident of Los Vegas, and Rafael Ortis y Chavis, a resident of Mora, in the Territory of New Mexico, upon our oath state that we are well acquainted with José Albino Baca and Romaldo Baca, and know them to be loyal citizens of the United States. We further state that, on the 26th day of August, 1868, at the Lower Cimarron Springs, in the Territory of New Mexico, a party of Kiowa and Comanche Indians, then at amity with the United States, numbering from seventy-five to eighty Indians, in the day-time attacked the train of said José Albino Baca and Romaldo Baca, then on its way to the States, under our charge as wagon-masters, and said Indians stole, took, and drove away twenty-five oxen, of the value of \$45 each, belonging to José Albino Baca, and thirty-six oxen, of the value of \$45 each, belonging to Romaldo Baca. We further state that in said fight two of the party were killed by the Indians, one American and one Mexican, and the capture of said oxen could not be prevented on account of the superior force and number of said Indians. We further state that no cause whatever or provocation was given to said Indians, and said capture of said oxen and killing of said two men was a premeditated and deliberate robbery and murder by said Indians. We further state that said train of José Albino Baca was on the road to the States, under the charge of this affiant, Rafael Ortiz y Chaves, as wagon-master, and the train of Romaldo Baca was under the charge of Francisco Gallegos, as wagon-master, said Bacas being licensed freighters going to the States for a return cargo of goods, wares, and merchandise. We further state that none of said cattle were recaptured from said Indians, nor was any payment or satisfaction made by said Indians for said loss, nor did the said José Albino Baca or Romaldo Baca, in person or by agent or attorney, seek or attempt to obtain any private satisfaction or revenge from said tribes of Indians for or on account of said loss of property. We further state that we were present at the time of said robbery, and know the above facts to be true; and that we have no interest whatever in the above claim; and further say not.

FRANCISCO GALLEGOS. [SEAL.]
RAFAEL ORTIZ Y CHAVEZ. [SEAL.]

TERRITORY OF NEW MEXICO,

County of Santa Miguel :

Subscribed and sworn to before me, and I certify that said Francisco Gallegos and Rafael Ortis y Chavis are both personally known to me to be men of truth and veracity. Witness my hand and seal of court of probate this 12th day of April, A. D. 1869.

[SEAL].

DEMETRIO PEREZ,

Clerk of Probate Court, San Miguel County

FORT SILL, INDIAN TERRITORY,
Office Kiowa Agency, Ninthmonth 15, 1871.

The accompanying claim of José A. Baca and Romaldo Baca was presented in a council of the chiefs and head-men of the Kiowa and Apache Indians on the twelfth of Eighthmonth, 1871, who asserted that the depredations were committed by the Cheyennes. It was presented in a like council of the Comanches on the 14th of Ninthmonth, 1871, who claimed to know nothing about it. They all refused to make satisfaction. The claim is referred to Brinton Darlington, agent of the Cheyennes.

LAURIE TATUM.

Agent of the Kiowas, &c.

OFFICE OF CHEYENNE AND ARAPAHO AGENCY, INDIAN TERRITORY,
Secondmonth 1, 1871.

ENOCH HOAG, *Superintendent Indian Affairs.*

The claim of José A. Baca for a depredation alleged to have been committed by Kiowa and Comanche Indians, on the 26th of August, 1868, and when laid before them in council, charged to Cheyenne Indians, was submitted to the chiefs and head-men of the Cheyenne tribe in council, for investigation. After a careful explanation of the facts in the case they deny any participation in the outrage, but say that it was done by Kiowas and Comanches. Satisfaction, therefore, was demanded.

Respectfully,

BRINTON DARLINGTON,
United States Indian Agent Cheyennes and Arapahoes.