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### Letter from the Secretary of the Interior, relative to the claim of Cyrus M. Cutler, for depredations committed in March, 1867, by Kaw Indians

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CYRUS M. CUTLER.

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L E T T E R

FROM

THE SECRETARY OF THE INTERIOR,

RELATIVE TO

*The claim of Cyrus M. Cutler, for depredations committed in March, 1867,  
by Kaw Indians.*

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FEBRUARY 25, 1873.—Referred to the Committee of Claims and ordered to be printed.

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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 Cyrus M. Cutler, for compensation on account of depredations committed by Kaw Indians.

▲ 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 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.

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

SIR: I have the honor to submit for the action of the Department, a claim of Cyrus M. Cutler for \$150, the value of a cow belonging to him, killed by a party of Kaw Indians, who were encamped for some time a few miles distant from his farm.

The allegation is thought to be sustained by the testimony adduced. Upon the case being presented to the Indians in council, by United States Agent E. L. Stover, they acknowledged that the cow was killed near their camp, not, however, by their people, but by Omaha Indians. Agent Stover is of the opinion that the Kaws assisted the Omahas in the act, and he thinks \$100 would be a fair price for the cow. It is recommended that claimant be allowed \$75 as a full indemnity for his loss.

Very respectfully, your obedient servant,

H. R. CLUM,  
*Acting Commissioner.*

Hon. C. DELANO,  
*Secretary of the Interior.*

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KAW INDIAN AGENCY,  
*Council Grove, Kansas, July 8, 1869.*

SIR: I have the honor to transmit herewith the claim of Cyrus M. Cutler against the Kaw tribe of Indians for the alleged killing of one Durham cow, in the winter of 1867, and to inform you that I have submitted the claim to the Kaw Indians, in general council assembled, as provided by law, and that they acknowledge that the cow was killed near their camp, but claim that it was done by a party of Omaha Indians who were camped with them at the time. They refuse to allow any satisfaction, and claim that the Omahas should pay the damages.

The evidence in the case appears to be conclusive, and from the admissions of the Indians I am of the opinion that they assisted in the killing and eating of said cow, and should assist in paying for her, though I think the price charged much too high. One hundred dollars is considered a fair price for a good Durham cow in this country, though this may have been an extra one.

Very respectfully, your obedient servant,

E. L. STOVER,  
*United States Indian Agent.*

Hon. ENOCH HOAG,  
*Superintendent of Indian Affairs, Atchison, Kansas.*

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CLAIM OF CYRUS M. CUTLER.

THE KANSAS INDIANS,

To CYRUS M. CUTLER, DR.

1867. March 20. To 1 Durham cow, 4 years old ..... \$150 00

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STATE OF KANSAS, *County of Saline, ss:*

Cyrus M. Cutler, of lawful age, who being first duly sworn, deposeth and says, that the above account is just, correct, and remains unpaid, and that the above account has never been audited for payment, and that the value attached to the said cow was her actual cash value at the date as aforesaid, and is not an overvaluation. And further, I lived upon the Smoky Hill River, in the county and State as aforesaid, during

the years A. D. 1866 and 1867, and that I lost the Durham cow that is charged in the above account in the month of March, A. D. 1867. And further, that I verily believe that the said cow was stolen and killed by the Kansas Indians, at the date as aforesaid, as they were camped for some time on the said river, a few miles above my farm.

C. M. CUTLER.

Subscribed and sworn to before me this 25th day of May, A. D. 1869.

[SEAL.]

E. BAXTER,  
Notary Public.

STATE OF KANSAS, *County of Saline, ss :*

Jesse G. Brumitt, of lawful age, who, being first duly sworn, deposeth and says that: I live on the Smoky Hill River, in the county and State as aforesaid. And further, I have lived there since the year A. D. 1866, and am well acquainted with Cyrus M. Cutler, whose account this affidavit is attached, for a Durham cow that was killed by the Kansas Indians, in the month of March, A. D. 1867. And further, that I was at the camp of the said Kansas Indians at the date as aforesaid, and then and there saw the said cow; she had been killed by the Indians as aforesaid, and was at that time in the possession of the said Indians. And further, that the said cow was worth, in cash, at the time she was killed by the said Indians, \$150. And further, that I am not directly or indirectly interested in the collection of the said claim or account.

JESSE G. BRUMITT.

Subscribed and sworn to before me this 22d day of May, A. D. 1869.

[SEAL.]

DAVID BEEBE,  
*County Clerk,*  
By E. BAXTER,  
*Deputy County Clerk.*

STATE OF KANSAS, *County of Saline, ss :*

Lerry L. Lamkin, of lawful age, who, being first duly sworn, deposeth and says that: I live on the Smoky Hill River, in the county and State as aforesaid. And further, I have lived there since the year A. D. 1866, and am well acquainted with Cyrus M. Cutler, whose account this affidavit is attached, for a Durham cow that was killed by the Kansas Indians, in the month of March, A. D. 1867. And further, that I was at the camp of the said Kansas Indians, at the date as aforesaid, and then and there saw the skin, head, and legs of the said cow, also the meat; the Indians had killed the said cow. And further, that I do know that the said skin, head, and legs were of the cow that belonged to the said Cyrus M. Cutler, and charged in the said account. And further, that the said cow was a Durham cow, and worth the sum of \$150. And further, that I am not directly or indirectly interested in the collection of the said claim or account.

LERRY L. LAMKIN.

Subscribed and sworn to before me this 27th day of May, A. D. 1869.

[SEAL.]

D. BEEBE,  
*County Clerk,*  
By E. BAXTER,  
*Deputy County Clerk.*