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Letter from the Secretary of the Interior, transmitting the claim of John Watts, for depredations committed by Comanche Indians

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JOHN WATTS.

LETTER

FROM THE

SECRETARY OF THE INTERIOR,

TRANSMITTING

The claim of John Watts, for depredations committed by Comanche Indians.

MARCH 11, 1874.—Referred to the Committee on Indian Affairs and ordered to be printed.

DEPARTMENT OF THE INTERIOR,
Washington City, March 6, 1874.

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 John Watts, amounting to \$5,000, for compensation on account of depredations committed by Comanche Indians.

A letter, (copy inclosed,) dated the 26th day of November, 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 SPEAKER of the House of Representatives.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, D. C., November 26, 1873.

SIR: I have the honor to submit herewith a claim of John Watts for a depredation alleged to have been committed in 1868 by Comanche Indians. Amount claimed, \$5,000.

The claim is for the value of 20 mules and horses, at \$200 each, stolen from claimant's residence in San Miguel County, New Mexico, on the 17th day of September, 1868.

This case was reported by this office to the Department May 2, 1872, the evidence adduced in support of it being considered conclusive as to the fact of the depredation, but unsatisfactory as to the number of each kind of animals taken by the Indians; and the claimant was allowed, on the recommendation of the office, further time to present additional evidence. Accordingly, he now presents an affidavit in which he says that he has no positive knowledge as to the number of each kind of animals that were stolen, but believes there were 15 mules and 5 horses, and that they were of equal value, each worth \$200, or in aggregate \$4,000. He also claims \$1,000 as consequential damages, which is a charge deemed inadmissible by this office.

I respectfully recommend that claimant be allowed \$150 each for the 15 mules, and \$125 each for the 5 horses, making a total of \$2,875.

The Indians in council denied having committed the depredation.

Very respectfully, your obedient servant,

EDWD. P. SMITH,
Commissioner.

The Hon. SECRETARY OF THE INTERIOR.

FORT SILL, INDIAN TERRITORY,
OFFICE KIOWA AGENCY,
Ninthmonth 15, 1871.

The accompanying claim of John Watts was presented in a council of the chiefs and head-men of the Kiowa and Apache Indians on the 12th of Eighthmonth, 1871, who said that the depredation was committed by the Cheyennes, led by Sleeping Wolf's son, who invited the Kiowas to the dance afterward held on the occasion. It was presented in a like council of the Comanches, Ninthmonth 14, 1871, who claimed to know nothing about it. Neither tribe would give satisfaction.

LAURIE TATUM,
Agent of Kiowas, &c.

OFFICE CHEYENNE AND ARAPAHO AGENCY.
INDIAN TERRITORY,
Secondmonth 1, 1872.

The inclosed claim of John Watts, for a depredation alleged to have been committed by Comanche Indians, in September, 1868, and when laid before them in council, charged to Cheyennes, was submitted to the chiefs and head-men of the Cheyenne tribe, in council, for investigation. After a careful consideration of the facts in the claim, they deny any participation in the outrage, but say that it was committed by Kiowa and Comanche Indians.

Respectfully,

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

ENOCH HOAG,
Superintendent of Indian Affairs.

TERRITORY OF NEW MEXICO,
County of Santa Fé:

To the agent of the Comanche tribe of Indians:

John Watts, a loyal citizen of the United States, a resident of San Miguel County, in the Territory of New Mexico, and engaged in the business of farming on the Canadian River, one mile west of Fort Bascom, in said county of San Miguel and Territory of New Mexico, would respectfully state to you that, on the 17th day of September, 1868, twenty head of horses and mules, of the average value of \$200, belonging to him, were taken, stolen, and carried away from within sight of said Fort Bascom, in the day-time, by a party of Indians belonging to the tribe called Comanches, then at amity with

the United States, being six in number, shortly re-inforced by eight or ten more, then again by some seventy-five or eighty Indians.

Your petitioner further states that at the time of the taking of said animals they were on his own farm grazing, under the care of Richard Maguire and Roman Martines, herders, and the said Richard Maguire was killed by said Indians, and the said Roman Martines was badly wounded, and said animals were then run off by said Comanche Indians.

Your petitioner further states that within two hours after the taking of said animals the commander of the military post of Fort Bascom, Major Louis T. Morris, Thirty-seventh United States Infantry, sent troops in pursuit of said Indians, with a view to recapture said stock and chasten said Indians, but before the troops could overtake said Indians they had been re-inforced to such an extent as to render it dangerous for so small a party to continue the pursuit further into the Indian country, and said troops returned without recapturing any of said property.

Your petitioner further states that he has never reclaimed any of said animals, nor obtained any payment or satisfaction for the same, from said tribe of Indians, nor from any other source; nor has he by himself, his agent, or attorney, or in any other manner, sought or attempted to obtain any private satisfaction or redress from said tribe of Indians for or on account of said loss of property.

Your petitioner further states that said mules were all fine American mules, for which he paid \$225 each; that they were all broken to the wagon and being used by him at the time they were stolen in delivering hay at the said Fort Bascom, for the United States, under a contract with the quartermaster's department in New Mexico, and in addition to the actual value of said animals has been put to loss and damage to the extent of \$1,000 in consequence of all his animals having been stolen, and he put to great loss, delay and expense in procuring other animals to deliver said hay.

Your petitioner refers you to the accompanying proof in support of the above petition, and respectfully asks you to take such steps in the premises as will indemnify him for said loss by enforcing payment and satisfaction for said animals so lost and said damages from said tribe of Comanche Indians within a reasonable time, and upon failure of said Indians to make payment for said property in such reasonable time as the law allows, then your petitioner asks that the value of said property and damages be deducted from the annuities belonging to said Indians, charged to them, and the amount paid to your petitioner in conformity with the provisions of the acts of Congress in such cases made and provided, and particularly in conformity with the seventeenth section of the act of June 30, 1834, and the act of February 28, 1859, and article 4 of treaty of June 1, 1868.

All of which is respectfully submitted.

JOHN WATTS.

UNITED STATES OF AMERICA,
TERRITORY OF NEW MEXICO,
County of Santa Fé :

John Watts upon his oath states that the matters and things in the above petition (signed by him) stated and set forth from his own knowledge are true in substance and in fact, and so far as stated from the information of others, he believes them to be true.

JOHN WATTS.

Sworn to and subscribed before me this 24th day of October, A. D. 1868. Witness my hand and official seal.

[SEAL.]

SAMUEL ELLISON,
Clerk First Judicial District Court New Mexico.

TERRITORY OF NEW MEXICO,
County of Santa Fé :

I, John Watts, a resident of Santa Fé, N. Mex., upon my oath state that I am the owner of the twenty head of horses and mules stolen from me at Fort Bascom, New Mexico, September 17, 1868, for which my claim has heretofore been filed in the Department of Indian Affairs, with the proof in its support. I further state that none of said horses and mules so stolen have ever been recaptured or returned to me, nor paid for in any manner. I further state that I have no positive recollection of the number of horses and the number of mules, but I do know that the entire number stolen and taken away was twenty horses and mules; and it is my impression that the horses were five and the mules fifteen, making twenty animals in all. I further state that I paid for said animals the sum of \$225 per head, and I think that they were each actually worth that amount, and it was my intention to claim that amount per head for the stock; but one or two of the witnesses, feeling some hesitation to swear that their value,

each, was \$225, I left the matter in the hands of the witnesses to place the just and actual cash value of the animals, which they placed at \$200 each, which is the amount claimed by me from the Government, notwithstanding they had cost me \$225 each, purchased of A. M. Adams, esq., at that time a resident of Fort Union, New Mexico.

And further saith not.

JOHN WATTS.

Sworn to and subscribed before me this 12th day of July, A. D. 1872.

[SEAL.]

WM. BREEDEN,

Clerk United States District Court 1st Judicial District, New Mexico.

WASHINGTON CITY, D. C., November 12, 1873.

SIR: Permit me to call your attention to the claim of John Watts, of Santa Fé, N. Mex., for a depredation of the Kiowa and Comanche Indians, committed on the 17th day of September, 1868, in San Miguel County, Territory of New Mexico, and in sight of the military post of Fort Bascom. This theft and robbery consisted in the forcible and lawless attack in open daylight, and in sight of Fort Bascom, of the herd of horses and mules, and afterward in a brutal and wanton manner, killed Richard McGuire, the herder, in charge of said horses and mules; they also wounded in many places Raman Martines, another herder, leaving him for dead, as they supposed; and they took, stole, and drove away twenty horses and mules belonging to John Watts, the claimant, of the value of \$200 each, making the sum of \$4,000; and the further sum of \$1,000 special damages are claimed on account of the fact that the claimant, John Watts, was under contract with the United States, and was at the time of said robbery engaged in the fulfillment of said contract, and this loss of his horses and mules, under the state of facts existing, would justify and authorize the allowance of the direct and immediate damages attending the loss of said horses and mules. Now, it appears that this claim was sent to the proper Indian agents for presentation and report, and after the matter was duly considered by the great noble nations of Kiowa and Comanche Indians, on looking into the proof in this case, on the 2d of May, 1872, the Indian Department recommended to the Secretary of the Interior the suspension of the claim in order to give the claimant the opportunity to produce additional proof more specifically as to the number of mules lost and stolen. The honorable Secretary of the Interior, on the 4th of May, 1872, sustained the action of the Interior Department, and the claimant was notified, and has, in an affidavit sent to the Indian Department, made by him, explained in the affidavit of the claimant, John Watts, fully stating that, of the twenty animals, fifteen were mules and five were horses, and that both horses and mules were worth not only \$200 each per head, and that he actually paid for them \$225 each per head; and one of the witnesses, John W. Dersett, who was familiar with the value of the mules and horses, and with their purchaser, says, in his evidence, that he had a personal knowledge of the fact that John Watts, the claimant, on the purchase of said horses and mules paid for them \$225 each per head. Under this state of facts, where the outrage unprovoked and wanton and aggravated by the murder of a quiet and peaceful citizen, and the serious wounding of another left on the field for dead. In the assertion of the claims of the citizens of one nation against another for damages for the value of property captured and taken away and converted to the use of the captor, in the claim for indemnification 5 per cent. interest on the value of the property at the time and place of capture, and in a case of this kind against a domestic dependent nation under the stipulation of the seventeenth section of the intercourse act of June, 30, 1834, a mere allowance of the original value at the lowest estimate, is not that eventual indemnification for the loss of valuable and productive working animals, when a delay in the settlement of the claim has been unsettled now for five years, is not that satisfaction and eventual indemnification which Congress intended to vest in the injured citizen for compensation for his loss and the damages resulting from the loss of valuable horses and mules, useful and in daily use. In this case I most respectfully claim the allowance of the highest value proved in this case, \$225 per head, making for the fifteen mules and five horses stolen the 17th September, 1868, the sum of \$4,500, to which sum interest should be added in order to obey the law of nations and fulfill the object and intention of Congress in giving the injured citizen that eventual indemnification pledged to him by the Government, to whom it is a pleasant duty to extend the fullest and most liberal protection of his private rights against domestic dependent nations, forcibly and lawlessly robbing and stealing, and adding to that injury shameless and atrocious murder of peaceful and loyal citizens.

In the obtaining of the evidence of the number of mules and horses composing the twenty animals stolen, it was intended also to produce the affidavit of John W. Dersett, the superintendent of the ranch and mules and horses of the petitioner, John

Watts, but his absence in a distant portion of the Territory, where to make an affidavit the affiant would have to travel fifty miles and return in finding a justice of the peace, it is not surprising that the deposition of Dorsett has not been obtained. If the evidence of the claimant in this case as to a fact within his personal knowledge that fifteen of the stolen animals were mules and five of them horses, and that he paid for the twenty horses and mules \$225 each per head, the human testimony has lost its proper influence over the human mind.

Yours respectfully,

JOHN S. WATTS,
Attorney.

Hon. E. P. SMITH,
Commissioner of Indian Affairs.

FORT BASCOM, NEW MEXICO, *September 26, 1868.*

MAJOR: In compliance with your order of the 17th instant, I left Fort Bascom at 2 o'clock p. m. same date, with 37 men of my company, and after marching two miles in westerly direction struck the trail of the Indians who had killed one herder, wounded another, and run off with the stock of Messrs. Watts and Stapp. The trail from this point ran due south over the Mesa, southwest of the post, which I followed for about seven or eight miles in that direction, thence north (crossing the river) eight miles. Here the trail took due north, which I followed fourteen miles, when night overtook us. Camped on the trail, without water, and started at daybreak next morning on the trail, which soon took an easterly direction, and crossed Ute Creek about eight miles north of the river road, keeping up in the sand-hills, making the traveling quite heavy. The place known as "Red River Spring" was struck by us, where was lately a rancharia of the Indians, supposed to be about 75 or 100 lodges. Here we were distant from the post about forty miles. Leaving there we marched till dark in an easterly direction, in the sand-hills, and camped on the river at dark, still on the trail. Next morning at daybreak took the trail, still running east, and at Salt Lakes struck a rancharia which was abandoned some time previous, leaving their lodge-poles, &c., behind, which I caused to be burned. After marching some twenty-five miles farther came to another Indian rancharia, from which they had gone only a few days before. Having at this time followed the trail about one hundred and twenty-five miles, the men of my party having but 20 rounds of ammunition each, and there being every indication of large bodies of Indians joining the trail of the animals taken by the party I was in pursuit of, and knowing that I was in the immediate vicinity of their villages, I thought it would be imprudent to follow the trail any further, as it seemed the Indians were desirous that I should do so, they not having stopped to water or graze their animals from the time of starting till I left the trail.

It is my opinion that the larger part of the Kiowa and Comanche tribes are moving their families and stock toward the Llano Estacada.

I am, major, very respectfully, your obedient servant,

FRANK H. WILSON,
Captain Third United States Cavalry, Commanding Co. D.

Bvt. Maj. L. T. MORRIS,
Captain Thirty-seventh Infantry, Commanding Fort Bascom, N. Mex.

Official copy:

EDWARD HUNTER,
First Lieutenant Twelfth Infantry, A. A. A. G.

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

Personally appeared before me, post adjutant Fort Bascom, New Mexico, John W. Dorsette, who being duly sworn according to law, deposes and says:

I am in the employment of John Watts, and was on the afternoon of September 17, 1868, when a band of Comanche Indians drove off twenty head of horses and mules belonging to the said John Watts. The said Indians attacked Richard McGuire and Roman Martines, who I had sent out in charge of said herd, killing the former and badly wounding the latter. I further depose and say that I have worked said animals and been in charge of them for over two years, and I think they are justly worth \$200 each, and it is personally known to this deponent that said John Watts paid \$225 a head for said animals. I further depose and say that I make this affidavit of my

own free will and accord, and have no interest, directly or indirectly, in the prosecution of said claim. And further deponent saith not.

JOHN W. DORSETTE.

Sworn and subscribed to before me at Fort Bascom, New Mexico, this 29th day of September, 1868.

JNO. K. SULLIVAN,
Second Lieutenant Thirty-seventh United States Infantry, Post Adjutant.

I certify that the above-named officer is the only person to whom recourse could be had under paragraph 1031 Army regulations.

DEANE MONAHAN,
Captain Third United States Cavalry.

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

Personally appeared before me, post adjutant Fort Bascom, New Mexico, Roman Martines, who, being duly sworn according to law, deposes and says:

On the morning of September 17, 1868, I was sent out in company with Richard McGuire to herd twenty head of horses and mules belonging to John Watts. About 4 o'clock in the afternoon a band of Comanche Indians attacked me and the said Richard McGuire, we being then in charge of said herd and all of said animals being there. The said Indians killed said Richard McGuire, and having badly wounded me, left me for dead, and drove off said twenty head of horses and mules. Having for some time worked with and herded said mules, I think their just value is \$200 each. I further depose and say that I make this affidavit of my own free will and accord, and that I have no interest, directly or indirectly, in said animals nor in this claim. And further deponent saith not.

ROMAN ^{his} + MARTINES.
mark.

Witnesses: CHARLES A. HUNT, JOHN M. PLOANE.

Sworn and subscribed to before me at Fort Bascom, New Mexico, this 29th day of September, 1868.

JNO. K. SULLIVAN,
Second Lieutenant Thirty-seventh United States Infantry.

I certify that the above-named officer is the only person to whom recourse could be had under paragraph 1031 Army regulations.

DEANE MONAHAN,
Captain Third United States Cavalry.

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

Personally appeared before me, post adjutant Fort Bascom, New Mexico, Joseph Murray, who, being duly sworn according to law, deposes and says:

I am private in Company F, Thirty-seventh United States Infantry, and was on guard on the 17th of September, 1868, and while on post, about 4 o'clock of said day, in the afternoon, I saw a band of Comanche Indians attack the herders of John Watts, killing Richard McGuire, and wounding Roman Martines, and running off the said herd of John Watts aforesaid. This deponent cannot state the exact number of mules and horses taken, for they were too far off to be counted, but the whole herd was driven off by said Comanche Indians. This deponent has frequently seen the said horses and mules of said John Watts, and think they are justly worth \$200 each. This deponent further deposes and says that he makes this affidavit of his own free will and accord, and has no interest, directly or indirectly, in the prosecution of said claim. And further deponent saith not.

JOSEPH MURRAY.

Sworn and subscribed to before me at Fort Bascom, New Mexico, this 29th day of September, 1868.

JNO. K. SULLIVAN,
Second Lieutenant Thirty-seventh United States Infantry, Post Adjutant.

I certify that the above-named officer is the only person to whom recourse could be had under paragraph 1031 Army regulations.

DEANE MONAHAN,
Captain Third United States Cavalry.