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Depredations on the Texas frontier

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DEPREDACTIONS ON THE TEXAS FRONTIER.

APRIL 11, 1874.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. GIDDINGS, from the Committee on Indian Affairs, submitted the following

R E P O R T :

[To accompany bill H. R. 2889.]

The Committee on Indian Affairs, having under consideration the bill to ascertain the amount of damages sustained by citizens of Texas from marauding bands of Mexicans and Indians upon the frontier of Texas, respectfully report:

That the frontier of Northern and Western Texas, a distance of about fifteen hundred miles, is now, and has been for years, subject to depredations, on the northern border by Indians and on the western by Mexicans and Indians. Evidence before the committee tends to show that the markets of Mexico have been used openly and publicly to effect the sale of property robbed from the people of Texas; and, to a considerable extent, that Government contractors deal in cattle stolen from the citizens of that State, and sell them to the Government to supply the troops and Indians on the Fort Sill reservation; that a very large number of cattle have been stolen monthly and driven to Mexico, upon the Western Rio Grande, and also a large number from the northern and northwestern border and driven to Mexico or into the Indian Territory and to Fort Sill, since the close of the civil war in 1865.

It further appears, in sworn affidavits and certificates of clerks of district courts of a number of the frontier counties of the State of Texas, and evidence adduced before the committee, that, since 1872, over one hundred white men have been murdered by Indians, and a large number of women and children carried into captivity; that the number of head of cattle and horses stolen since that time exceeds one hundred thousand, a portion of which were taken to Fort Sill and sold to Government contractors to supply troops and Indians.

The evidence before the committee tends to show that there is but very little security for life and property upon this frontier; that over one thousand persons, whose names were submitted to the committee, accompanied by sworn statements and certificates of officers as to the truth of the charges made, have suffered loss at the hands of Mexicans and Indians; that the absence of proper protection to this frontier has resulted in subjecting a territory covering not less than sixty thousand square miles to pillage and the inhabitants to savage depredations. The failure of the Government to afford to these people that protection to which all citizens are entitled, in the opinion of this committee entitles their claims for losses sustained to careful consideration. To the end, therefore, that they may be satisfactorily ascertained, the committee

think it proper that a commission should be appointed to go upon the ground and examine in person the claimants and witnesses, and that thereby Congress will obtain reliable information as to the condition of affairs upon the frontier and best subserve the interest of the Government and the honest claimants.

It appears from the evidence before the committee that the number of claimants is very large and the territory over which depredations have been committed so extensive as to render it impossible for the Secretary of the Interior, even had he jurisdiction over those committed by Mexicans, to make the necessary investigation, and adjust such losses as the Government may be liable for under existing laws and regulations; and that therefore justice to the claimants and to ascertain the obligations of the Government require a thorough investigation and report, from an intelligent commission acting under the authority of law within the limits of the territory in which the depredations have been committed, of all the facts, as to their nature and extent, by whom, whether Mexicans and Indians jointly or separately, and by what band or tribe, or of lawless adventurers among the Indians, that they may be laid before Congress for its action.

A reference to the legislation on the subject may not be inappropriate.

Chapter 13, Laws of 1802, section 14, (2 Stat. at Large, 143,) provides—

That if any Indian or Indians, belonging to any tribe in amity with the United States, shall come over or cross the said boundary line into any State or Territory inhabited by citizens of the United States, and there take, steal, or destroy any horse, horses, or other property, belonging to any citizen or inhabitant of the United States, or of either of the territorial districts of the United States, or shall commit any murder, violence, or outrage upon any such citizen or inhabitant, it shall be the duty of such citizen or inhabitant, his representative, attorney, or agent, to make application to the superintendent, or such other person as the President of the United States shall authorize for that purpose, who, upon being furnished with the necessary documents and proof, shall, under the direction or instruction of the President of the United States, make application to the nation or tribe to which such Indian or Indians shall belong for satisfaction; and if such nation or tribe shall neglect or refuse to make satisfaction, in a reasonable time, not exceeding twelve months, then it shall be the duty of such superintendent, or other person authorized as aforesaid, to make return of his doings to the President of the United States, and forward to him all the documents and proofs in the case, that such further steps may be taken as shall be proper to obtain satisfaction for the injury; and in the mean time, in respect to the property so taken, stolen, or destroyed, the United States guarantee to the party injured an eventual indemnification: *Provided always*, That if such injured party, his representative, attorney, or agent, shall, in any way, violate any of the provisions of this act, by seeking or attempting to obtain private satisfaction or revenge by crossing over the line on any of the lands, he shall forfeit all claim upon the United States for such indemnification: *And provided also*, That nothing therein contained shall prevent the legal apprehension or arresting within the limits of any State or district of any Indian having so offended: *And provided further*, That it shall be lawful for the President of the United States to deduct such sum or sums as shall be paid for the property taken, stolen, or destroyed by any such Indians, out of the annual stipend which the United States are bound to pay to the tribe to which such Indian shall belong.

Section 17 of the act of 1834 provides—

That if any Indian or Indians belonging to any tribe in amity with the United States shall, within the Indian country, take or destroy the property of any person lawfully within such country, or shall pass from the Indian country into any State or Territory inhabited by citizens of the United States, and there, take, steal, or destroy any horse, horses, or other property belonging to any citizen or inhabitant of the United States, such citizen or inhabitant, his representative, attorney, or agent, may make application to the proper superintendent, agent, or sub-agent, who upon being furnished with the necessary documents and proofs, shall, under the direction of the President, make application to the nation or tribe to which said Indian or Indians shall belong for satisfaction; and if such nation or tribe shall neglect or refuse to make satisfaction in a reasonable time, not exceeding twelve months, it shall be the duty of such superin-

tendent, agent, or sub-agent, to make return of his doings to the Commissioner of Indian Affairs, that such further steps may be taken as shall be proper, in the opinion of the President, to obtain satisfaction for the injury; and in the mean time, in respect to the property so taken, stolen, or destroyed, the United States guarantee to the party so injured an eventual indemnification: *Provided*, That, if such injured party, his representative, attorney, or agent, shall in any way violate any of the provisions of this act, by seeking or attempting to obtain private satisfaction or revenge, he shall forfeit all claim upon the United States for such indemnification: *And provided also*, That unless such claim shall be presented within three years after the commission of the injury, such claim shall be barred. And if the nation or tribe to which such Indian may belong receive an annuity from the United States, such claim shall, at the next payment of the annuity, be deducted therefrom and paid to the party injured; and if no annuity is payable to such nation or tribe, then the amount of the claim shall be paid from the Treasury of the United States: *Provided*, That nothing herein contained shall prevent the legal apprehension and punishment of any Indians having so offended.

Section 8, act of 1859, vol. 11, Statutes at Large, page 401, repeals so much of the act of 1834 as provides for the indemnification by the United States for property taken and destroyed in certain cases by Indians trespassing upon white men, as described in said act, and provides that nothing therein contained shall be so construed as to impair or destroy the obligation of the Indians to make indemnification out of annuities due them by the United States.

Section 6, act of 1856, vol. 11, page 81, directs the Secretary of the Interior to cause an investigation to be made of claims for depredations committed by Indians in the Territory of New Mexico.

Section 2, act of 1858, vol. 11, page 363, provides for the appointment of a commission to go to the Territories of Oregon and Washington to audit and settle the amount of claims for Indian depredations, and to pay the same so far as existing appropriations shall be sufficient.

By act of 29th of May, 1872, vol. 17, Statutes at Large, page 191, sec. 7, provides, "That it shall be the duty of the Secretary of the Interior to prepare and cause to be published such rules and regulations as he may deem necessary or proper, prescribing the manner of presenting claims arising under existing laws or treaty stipulations for compensation for depredations committed by the Indians, and the degree and character of the evidence necessary to support such claims; he shall carefully investigate all such claims as may be presented, subject to the rules and regulations prepared by him, and report to Congress, at each session thereof, the nature and character and amount of such claims, whether allowed by him or not, and the evidence upon which his action was based: *Provided*, That no payment on account of said claims shall be made without a specific appropriation therefor by Congress."

Act of May 4, 1870, authorizes the withholding of any annuities to Indians who have American captives until said captives shall be returned. (Vol. 16, Statutes at Large, page 377.)

In view, therefore, of the law and the previous action of the Government in relation to claims for depredations committed by Indians, and its obligations to protect its citizens in their lawful rights, the committee are of the opinion that these claims are entitled to the investigation recommended, in order that their amount and character may be ascertained with the least expense to the parties injured, and that they may be finally settled, and such just demand for indemnification made by the Government on that of Mexico growing out of acts of violence and robbery by citizens of that country upon the citizens of the United States.