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### Report : Claim of O. Love and W. Gilschrist

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S. Rep. No. 386, 47th Cong., 1st Sess. (1882)

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IN THE SENATE OF THE UNITED STATES.

APRIL 5, 1882.—Ordered to be printed.

Mr. FAIR, from the Committee on Claims, submitted the following

REPORT :

[To accompany bill S. 584.]

*The Committee on Claims, to whom was referred Senate Bill No. 584, have had the same under consideration, and beg leave to submit the following report, viz :*

A bill of similar import was referred to the House Committee on Indian Affairs in the present session of Congress, and favorably reported from that committee.

Your committee, after a careful examination of that report (H. R. Report 405) and the accompanying papers, adopt it as their own, and join in the recommendations contained therein.

The report referred to is as follows :

Mr. MASON, from the Committee on Indian Affairs, submitted the following report, to accompany bill H. R. 1714.

*The Committee on Indian Affairs, to whom was referred the bill (H. R. 1714) for the relief of Overton Love and Wyatt Gilschrist, having had the same under consideration, submit the following report :*

The cases of Love and Gilschrist, both Chickasaw Indians, arise under article 14 of the treaty of June 22, 1855, made between the United States and the Chickasaw and Choctaw Nations. Article 14 of that treaty reads as follows:

“The United States shall protect the Choctaws and Chickasaws from domestic strife, from hostile incursion, and from aggression by other Indians and white persons not subject to their jurisdiction and laws; and for all injuries, resulting from such incursion or aggression, full indemnity is hereby guaranteed to the party or parties injured, out of the Treasury of the United States, upon the same principle and according to the same rules upon which white persons are entitled to indemnity for injuries or aggressions upon them, committed by Indians.”

The evidence in the two cases was taken in accordance with the regulations of the Interior Department under the provisions of section 7 of the act of May 29, 1872, which prescribes the duty of that department in the examination and allowance of all such cases.

Both the claims have been allowed by the Commissioner of Indian Affairs and the Secretary of the Interior, as required by the act of 1872; the claim of Overton Love having been allowed for \$7,300, and the claim of Wyatt Gilschrist for \$300.

The evidence in the case of Overton Love shows that Love is a Chickasaw Indian and a citizen of Pickens County, Chickasaw Nation, Indian Territory; that a band of Comanches raided, in February, 1867, through that portion of the Chickasaw Nation in which Love resided, and stole horses from parties resident in that nation, and also from parties resident in Cooke County, Texas, immediately adjacent to the Chickasaws; that Love lost by that raid ninety-nine head of horses, stolen by the Comanches. The stock consisted of a number of valuable brood mares with accompanying colts; also a number of one, two, and three year old colts, and two valuable stallions, aggregating in value, in the opinion of claimant and witnesses, \$15,200.

The Indian agents for the Chickasaws and Choctaws and Comanches have exam-

ined and reported upon the claim to the department. These reports are among the records and papers transmitted to Congress by the Secretary of the Interior, and agree with the evidence filed in the case, in showing that the loss was actual, and occurred at the time stated; that the witnesses were all reputable persons and credible; that the claimant had never recovered any of the stolen property, or been otherwise compensated therefor; but recommend a reduction in the amount of indemnity claimed for the reason that the Indians estimated their loss at a greenback valuation, which was always higher among them than a gold valuation. The department therefore have reduced their allowance of indemnity to Love to \$7,300.

In the case of Wyatt Gilschrist the evidence shows that he is an Indian and a citizen of Pontotoc County, Chickasaw Nation; and that in September, 1866, he had four head of horses, valued at \$490, stolen from him by a raiding band of Comanches. That the witnesses were reputable and credible persons; that the claimant had never recovered any of the stolen property, or been compensated therefor; and that, with a reduction of the claim to \$300, it should be allowed.

The reports of the Indian agents in this case, as in that of Love's, confirm the loss as actual, and as having occurred at the time stated by the witnesses, and recommend the allowance of indemnity to the amount of \$300.

Your committee, being satisfied of the genuine character of the claims in question, the sufficiency of the evidence to sustain them, the care of the department in the examination of the claims before allowing them, and the duty of the government to faithfully fulfill its treaty obligations to these orderly and largely civilized tribes, recommend the passage of the bill as introduced.