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Report : Claim of S. Wood

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IN THE SENATE OF THE UNITED STATES.

APRIL 8, 1884.—Ordered to be printed.

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

REPORT:

[To accompany bill S. 1554.]

The Committee on Indian Affairs, to whom was referred the bill (S. 1554) for the relief of S. N. Wood, beg leave to report that they have examined the claim of said Wood and find the following facts:

On the 9th day of July, 1870, the Kiowa Indians made a raid into Montague County, Texas. They scattered a herd of cattle, killed two yoke of oxen, stole nine horses, one mule, a large amount of provisions, one tent, one wagon-cover, &c., all of which property was at the time owned by and in the possession of the said S. N. Wood.

Colonel Wood testified before the committee that he followed the Indians to Fort Sill, where he applied to United States Indian Agent Tatum for permission to make further pursuit, and endeavor, if possible, to recover his property. Agent Tatum, however, owing to the excited condition of the Indians, persuaded him to abandon it, and to present his claim for allowance under section 2156 of Revised Statutes. Accordingly, said Wood, on the 30th day of January, 1871, addressed a communication to Hon. L. Tatum, United States Indian agent at Fort Sill, stating that the Kiowa Indians, on the 9th day of July, 1870, had forcibly and unlawfully taken from him, at Victoria Peak, Montague County, Texas, the following property, to wit:

9 horses of the value of.....	\$1,125
1 mule of the value of.....	100
2 yoke of oxen of the value of.....	200
100 head of cattle (entirely lost) of the value of.....	2,000
Expense of gathering cattle.....	250
1 wagon-cover of the value of.....	10
1 tent of the value of.....	25
Cooking utensils and provisions of the value of.....	100

3,810

This statement is sworn to and sustained by the sworn affidavit of David Wood, of Chase County, Kansas, son of the said S. N. Wood, who was in charge of the property when taken or destroyed, and who had knowledge of all the facts. He swore positively to all the losses and to the value of the property taken. Richard Jones, of Chase County, Kansas, who was also present when the raid occurred, swears to the same statement of facts. Dr. John A. Gordon, of Montague County, Texas, and Reuben Vaughn, of Palo Pinto, Tex., both swear positively to the same facts.

This letter and statement, together with the affidavits above named, were sent by Colonel Wood to Indian Agent Tatum at Fort Sill, and were afterward presented to the Kiowa and Comanche Indians in council, but the Indians denied all knowledge of the raid and the stealing of the property. On December 26, 1871, this claim was forwarded to the Commissioner of Indian Affairs at Washington.

April 13, 1872, the Commissioner of Indian Affairs, Hon. F. A. Walker, after a full examination of the claim, reported in favor of allowing on said claim the sum of \$1,285. He held that the cattle lost were still in the country and might possibly be found, and that the item of \$250 for hunting for scattered cattle was too remote.

Colonel Wood stated before the committee that he lost over 100 head of cattle which he had bought only the day before the raid and placed them in his herd unbranded; and that they were scattered by the Indians in the manner described before he could put a road-brand on them, and that it was impossible to identify them.

There does not seem to be any question as to the facts that the Kiowas made this raid and committed the depredations described, as the affidavits show; also, that a boy named Kilgore was captured by the Indians at the same time, and was afterward surrendered by the Kiowa Indians, they admitting that they had captured him in Texas.

The act of June 30, 1834 (see Statutes at Large, vol. 4, p. 731, sec. 17), in force at the time of these depredations, provided for the payment of claims of this class under that law. The files of the Indian Office will show the payment of hundreds of just such claims which were paid by the Department up to the passage of the act of May 29, 1872, section 466, Revised Statutes, which required "the reference of claims of this class to Congress for its action after a careful investigation and report by the Commissioner of Indian Affairs." Under the law of 1834, above cited, section 17 provides not only for the payment of such claims as this, but "the United States further guarantees to the party injured an indemnification," &c.

If the law of May 29, 1872, had not been passed, this claim would have been paid and the amount charged to the Kiowa Indians and deducted from their appropriations. But as the law had been changed, the honorable Secretary of the Interior, under date of April 15, 1873, referred this claim to Congress with a recommendation that an appropriation be made for \$1,285 to pay the same, or rather to pay the amount found due by the Commissioner of Indian Affairs. The bill asks for the amount allowed by the Commissioner, and no more. The committee believe that Colonel Wood has complied with the law governing intercourse with the Indians; that his claim is just and fair, and that it should be paid. The committee, therefore, instruct me to report the bill back and recommend its passage.