

5-22-1884

Report : Claim of O. Love and W. Gilschrist

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Recommended Citation

S. Rep. No. 569, 48th Cong., 1st Sess. (1884)

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IN THE SENATE OF THE UNITED STATES.

MAY 22, 1884.—Ordered to be printed.

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

REPORT:

[To accompany bill S. 803.]

The Committee on Claims, to whom was referred Senate bill No. 803, 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 first session of the Forty-seventh Congress, and favorably reported from that committee.

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 agent for the Chickasaws and Choctaws and Comanches have examined 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 credi-

ble; 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 Pototoc 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.

There are a large number of claims similar to this and of equal merit now on file in the office of the Commissioner of Indian Affairs. The Government has never recognized its liability for these claims. It is true that some of them have from time to time been paid by special bills, but heretofore Congress has declined to adopt any general measure looking to the payment of these claims. No good reason can be given why the claims of Love and Gilschrist should be selected for payment out of a large number of similar claims. If these claimants ought to be paid their claim other claimants equally meritorious should also be paid. Until Congress takes up the whole matter and settles the course it will pursue we cannot recommend the payment of any of these claims.

Your committee therefore report back the bill and recommend that it do not pass.