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Depredations by Apache Indians. Letter from the Secretary of the Interior, in relation to an appropriation for depredations committed by Apache Indians in May, 1870

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DEPREDACTIONS BY APACHE INDIANS.

LETTER

FROM

THE SECRETARY OF THE INTERIOR,

IN RELATION TO

An appropriation for depredations committed by Apache Indians in May, 1870.

FEBRUARY 11, 1871.—Referred to the Committee on Appropriations and ordered to be printed.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., February 11, 1871.

SIR: I have the honor to transmit herewith a copy of a letter, dated the 9th instant, from the Commissioner of Indian Affairs, and accompanying papers, in relation to the account of Mr. Charles F. Tracy for depredations committed by Apache Indians in May, 1870, said account amounting to \$22,730.

Agreeably to the recommendation of the Commissioner of Indian Affairs, the papers in the case are respectfully submitted to Congress for such action in the premises as may be deemed proper, there being no fund within the control of the Department applicable to the settlement of the claim.

The amount which the Commissioner recommends to be allowed in this case is \$14,650.

Very respectfully, your obedient servant,

C. DELANO,
Secretary.

Hon. JAMES G. BLAINE,
Speaker of the House of Representatives.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, D. C., February 9, 1871.

SIR: I have the honor to transmit herewith a claim of Charles F. Tracy, on account of a depredation committed, as alleged, by Apache and Cheyenne Indians, on or about the 29th May, 1870. Briefly the case appears to be this:

Charles F. Tracy & Co. were employed to freight Indian commissary

stores from Camp Supply, Indian Territory, to the agency of the Cheyenne and Arapaho Indians, on the North Fork of the Canadian River. On the 29th of May, 1870, their train, consisting of ten wagons, while encamped at Osage Springs, was attacked by a party of Indians, who took and drove away fifty-eight mules and one horse.

The claimant thus states his claim :

Value of the fifty-eight mules	\$14,500
Value of the horse.....	150
Damages for 90 days' loss of time, (ten teams, \$7 per day each,)	6,300
Loss on contract for freight.....	850
Guarding commissary stores, after capture.....	230
Damage to harness and wagons.....	700
	<hr/>
Total amount.....	22,730
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The testimony submitted, in my judgment, conclusively establishes the fact of the depredation at the time and place set forth; and from the certificate of Lawrie Tatum, United States agent for the Kiowas, Comanches, and Apaches, it is shown that Indians of the last-named tribe were the depredators.

The case having been presented to the Indians in council by Agent Tatum, and the charge admitted by them, with a refusal on their part to render satisfaction to the claimant, it is now, by his attorneys, submitted for the action of the Department under the seventeenth section of the law of June 30, 1834, regulating trade and intercourse with Indian tribes.

Having carefully examined all the papers in the case, I am of the opinion that the claim is just for the actual value of the mules and horse taken. The other charges, being for consequential damages, according to decisions of the Department heretofore in regard to such items, are deemed inadmissible.

I respectfully suggest that the claim be laid before Congress for action by that body, under the fourth section of the act making appropriation for the Indian Department, approved July 15, 1870.

Very respectfully, your obedient servant,

E. S. PARKER, *Commissioner.*

Hon. C. DELANO, *Secretary of the Interior.*

—————
Claim for Indian depredations.

STATE OF KANSAS, *military post of Fort Dodge, ss :*

Charles F. Tracy, being first duly sworn, deposes and says that he is, and for one year last past has been, a resident of Camp Supply, Indian Territory, and that he resided in May, A. D. 1870, and at that time he was in the possession and was the owner of a large amount of personal property, goods, wares, merchandise, and chattels; that on or about the 29th day of May, A. D. 1870, the Apache Indians did run off and steal from my train, while en route from Camp Supply, Indian Territory, to the agency of the Arapahoes and Cheyenne Indians, transporting Indian commissary stores :

Fifty-eight mules	\$14,500
One horse.....	150
Damages: ninety days' loss of time on train, consisting of ten teams, at \$7 per day each.....	6,300
	<hr/>
	20,950
Loss on contract for freight	850
	<hr/>
	21,800
	<hr/> <hr/>

Due care and precaution was taken by the men in charge of the train, and application made to Lieutenant Colonel A. D. Nelson, commanding Post Camp Supply, under date of May 25, 1870, for an escort, which was peremptorily refused.

Amount brought down	\$21, 80
Guarding Indian commissary stores, after capture, 12 men for 15 days.....	230
Damage on harness and wagons	700
Total.....	<u>22, 730</u>

And that he has not recovered, reclaimed, nor recaptured any portion of said property, nor received any compensation therefor; and that he has not before made any written application for the payment of the same. And deponent says that he has not sought any private revenge nor redress against said Apache Indians, on account of said depredations, nor any account whatever.

And deponent does further solemnly swear that he is, and always has been, a true, faithful and loyal subject of the United States, and has always borne true faith and allegiance thereto; that he has never borne arms against the United States since he has been a citizen thereof; that he has not voluntarily given aid, countenance, nor encouragement to persons engaged in armed hostility thereto; that he has neither sought, nor accepted, nor attempted to exercise the functions of any office whatever under any authority whatsoever in hostility to the United States, or inimical thereto. And deponent does further swear that he will, to the best of his knowledge and ability, support and defend the Constitution of the United States against all enemies, foreign and domestic. And that he makes application to have his losses sustained as aforesaid, adjusted, settled, and paid by the United States.

CHAS. F. TRACY.

Witnesses :

JOHN E. TAPPAN.
EDW. R. HAIGHT.

Sworn to and subscribed before me this 5th day of January, 1871.

[SEAL.]

EDW. R. HAIGHT,
Notary Public.

[Certificates as to official character as notary on file in the Quartermaster General's office and office of Third Auditor of the Treasury.]

CAMP SUPPLY, COUNTY OF ———, *Indian Territory, ss :*

Brevet Colonel L. H. Carpenter, of the Tenth United States Cavalry, and First Lieutenant Charles Banzhaf, of the Tenth United States Cavalry, hereby certify on honor, each for himself, that he is personally well acquainted with Charles F. Tracy, the claimant herein named; that he has carefully read the foregoing affidavit and knows the contents thereof, and that the same is true of his own knowledge; and that the articles enumerated were captured by (Cheyenne or Apache) Indians, as therein stated; that the value therein charged is correct and just; that his knowledge of the above facts is derived from being stationed in the vicinity at the time, and from personal observation, and in consequence of being sent with a force to relieve the party above mentioned when attacked.

L. H. CARPENTER,
Captain Tenth Cavalry, Brevet Colonel United States Army.
CHAS. BANZHAF,
First Lieutenant Tenth Cavalry.

I, Lawrie Tatum, United States Indian agent, do hereby certify that I have examined into the circumstances connected with the claim of Charles F. Tracy for compensation for damages arising from the depredations of the Apache Indians, committed on or about the 29th day of Fifth month, 1870, at or near Osage Springs, Indian Territory, and am satisfied that his claim is just, and recommend it to the favorable consideration of the Department. I do further certify that I know nothing personally about the value of the property.

LAWRIE TATUM,
Indian Agent for Kiowas, Apaches, &c.

STATE OF KANSAS, *Post of Fort Dodge, ss :*

John E. Tappan, of Leavenworth, Kansas, and R. M. Wright, of Fort Dodge, Kansas, being each duly sworn, doth depose and say, each for himself, that he is personally well acquainted with Charles F. Tracy, the claimant herein named; that he has carefully read the foregoing affidavit, and knows the contents thereof, and that the same

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is true of his own knowledge, and that the articles enumerated were captured by Indians as therein stated; that the value therein charged is correct and just. That his knowledge of the above facts is derived from being a resident in the country at the time, and from having seen the mules, and thus being capable of judging as to their value.

JOHN E. TAPPAN.
R. M. WRIGHT.

Sworn to and subscribed before me this 12th day of January, 1871.

[SEAL.]

EDWARD R. HAIGHT,
Notary Public.

[Certificate as to official character as notary on file in Quartermaster General's Office and office of Third Auditor of the Treasury.]

Know all men by these presents, that I, Charles F. Tracy, of Fort Dodge, of the State of Kansas, have made, constituted, and appointed, and by these presents do make, constitute, and appoint, N. P. Chipman, A. A. Hosmer, and C. D. Gilmore, partners as Chipman, Hosmer & Co., at Washington, in the District of Columbia, my true and lawful attorneys in fact for me, and in my name, place, and stead, to prosecute my claim against the United States for depredations committed by the Apache Indians, of the Upper Arkansas of the Kiowa agency, before Congress or any other proper Department of the Government, or before any United States court or other tribunal, to its final adjustment and determination; and to receive and receipt for any and all sums of money allowed me in whole or in part payment of the same, and to indorse any certificate, check, draft, or other paper that may be allowed me for such payment, and to receive the same and the money called for by the same.

And for the purposes aforesaid, I do hereby authorize and fully empower my said attorneys to make out and sign, in my name or otherwise, any paper or instrument in writing, and do and perform every act, matter, or thing requisite and necessary to be done in and about the premises, as fully and completely, to all intents and purposes, as I might or could do if personally present; hereby ratifying and confirming all that my said attorneys may do or cause to be done by virtue of and in pursuance hereof.

And in consideration that my said attorneys have agreed to prosecute my said claim without cost or charges unless the same or some part thereof shall be paid, I have agreed to, and do hereby make this power of attorney irrevocable.

In witness whereof, I have hereunto set my hand and seal this 4th day of February, A. D. 1871.

CHAS. F. TRACY.

Signed, sealed, and delivered in presence of—

CHAS. F. TRACY, JR.
T. R. CURTIS.

Be it remembered, that on this 4th day of February, A. D. 1871, personally appeared before me Charles F. Tracy, to me known to be the identical person described in and who executed the foregoing power of attorney, and acknowledged that he executed the same freely and voluntarily for the uses and purposes therein expressed.

In testimony whereof, I have hereunto set my hand and seal, this 4th day of February, A. D. 1871, at Washington City, D. C.

[SEAL.]

WM. MARTIN, J. P.

I certify that the within claim of Charles F. Tracy was presented in council of the chiefs and headmen of the Kiowa and Apache Indians. The Apache Indians admitted to have made the raid on the train and stole the mules, but they refused to make satisfaction for the damage.

LAWRIE TATUM,
United States Indian Agent.

INDIAN TERRITORY, *Camp Supply, ss :*

Personally appeared before me, the 3d day of June, 1870, one James Keegan, who, being duly sworn, under oath deposes and says: That he is a resident of Camp Supply, Indian Territory; that on the 29th day of May, 1870, he was in charge of a train, consisting of ten wagons belonging to Charles F. Tracy & Co., at Camp Supply, Indian Territory, employed in hauling freight for Brinton Darlington, the United States Indian agent of the Arapaho and Cheyennes, from Camp Supply, Indian Territory, to the Arapaho and Cheyenne agency; that on the date above mentioned, (May 29, 1870,) while he was encamped at Osage Springs, on the North Canadian River, and on the road from Camp Supply, Indian Territory, to the agency, a party of Indians, some

of which were recognized by him as Cheyennes, attacked and stampeded the herd, killed one man, and drove away a lot of mules, of which fifty-eight head and one horse were the property of Charles F. Tracy & Co., at Camp Supply, Indian Territory. Deponent further says that these mules were first-class draught mules, and that the Indians drove them away by main force and surprise, without any provocation on the part of the white men present with the train. Further the deponent says not.

his
JAMES + KEEGAN.
mark.

Sworn to and subscribed before me this 3d day of June, 1870, there being no civil officer present competent to administer oaths.

W. S. MACKAY,
*Second Lieutenant Third United States Infantry,
Post Adjutant, Camp Supply, Indian Territory.*

Witnesses as to James Keegan's signature:

WM. T. TRACY.
WM. S. SOULE.

Personally appeared before me this 3d day of June, 1870, one William Ogg, who under oath deposes that he is cognizant of the facts as above set forth, and that they are correct to the best of his knowledge and belief. He further says that he resides at Camp Supply, Indian Territory.

WM. OGG.

Sworn to and subscribed before me this 3d day of June, 1870, there being no civil officer present competent to administer oaths.

W. S. MACKAY,
*Second Lieutenant Third United States Infantry,
Post Adjutant, Camp Supply, Indian Territory.*

Personally appeared before me this 3d day of June, 1870, one M. Barrett, who under oath deposes and says, that he is a resident of Camp Supply, Indian Territory; that he is cognizant of the facts as set forth in the affidavit of James Keegan, and that they are correct to the best of his knowledge and belief.

MICHAEL BARRETT.

Sworn to and subscribed before me this 3d day of June, 1870, there being no civil officer present competent to administer oaths.

W. S. MACKAY,
*Second Lieutenant Third United States Infantry,
Post Adjutant, Camp Supply, Indian Territory.*

Personally appeared before me this 3d day of June, 1870, one John Brown, who, under oath, deposes and says, that he is a resident of Camp Supply, Indian Territory, and that he is cognizant of the facts as set forth in the affidavit of James Keegan, and that they are correct to the best of his knowledge and belief.

his
JOHN + BROWN.
mark.

Witnesses:

WM. T. TRACY.
W. S. SOULE.

Sworn to and subscribed before me, at Camp Supply, Indian Territory, this 3d day of June, 1870, there being no civil officer present competent to administer oaths.

W. S. MACKAY,
*Second Lieutenant Third United States Infantry,
Post Adjutant, Camp Supply, Indian Territory.*

Personally appeared before me this 3d day of June, 1870, one Melcinda Condelosia, one M. Gordon, one G. W. Holcomb, one Joseph Jarvis, one Eugene Haling, one A. Craig, and one William Mullen, who, under oath, depose and say, that they are residents of Camp Supply, Indian Territory, and that they are cognizant of the facts as

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set forth in the affidavit of James Keegan, and that they are correct, to the best of their knowledge and belief.

ALFRED CRAIG.
EUGENE HALING.

his
M. + GORDON.
mark.

G. W. HOLCOMB.

his
WM. + MULLEN.
mark.

his
M. + CONDELOSIA.
mark.

JOSEPH CHARVES.

Witnesses to the above signatures :

WM. T. TRACY.

W. S. SOULE.

Sworn to and subscribed before me this 3d day of June, 1870, there being no civil officer present competent to administer oaths.

W. S. MACKAY,
*Second Lieutenant Third United States Infantry,
Post Adjutant, Camp Supply, Indian Territory.*

CAMP SUPPLY, INDIAN TERRITORY, *May 25, 1870.*

COLONEL: We have the honor to request that you send an escort with our train from this post to the new agency on the North Fork, Canadian River, Indian Territory, and return. Our reasons are good for asking this escort, and hope it will be furnished.

We are, respectfully, yours,

CHAS. F. TRACY & CO.

Colonel A. D. NELSON,

Commanding Officer, Camp Supply, Indian Territory.

CHEYENNE AND ARAPAHO AGENCY,
Indian Territory, 12th month, 23d, 1870.

I hereby certify that Charles F. Tracy & Co.'s train, captured by the Apache Indians, at Osage Springs, on the 29th of 5th month, 1870, was in the employ of the United States Government, transporting commissary stores from the post of Camp Supply to the agency of the Cheyenne and Arapaho Indians, on the North Fork Canadian River; and that I am personally acquainted with the facts so far as the capture of the mules is concerned, and know them to be correct.

BRINTON DARLINGTON,
United States Indian Agent.