

5-12-1894

In the Senate of the United States. Letter from the Attorney-General, in response to the Senate resolution of May 8, 1894, submitting a report from the Assistant Attorney General, charged with the defense of Indian depredation claims under the Act of March 3, 1891.

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IN THE SENATE OF THE UNITED STATES.

LETTER

FROM

THE ATTORNEY-GENERAL,

IN RESPONSE TO

The Senate resolution of May 8, 1894, submitting a report from the Assistant Attorney-General, charged with the defense of Indian deprecation claims under the act of March 3, 1891.

MAY 14, 1894.—Referred to the Committee on Indian Depredations and ordered to be printed.

DEPARTMENT OF JUSTICE,
Washington, D. C., May 12, 1894.

SIR: I have the honor to acknowledge receipt of the resolution adopted by the Senate, of which the following is a copy, to wit:

Resolved, That the Attorney-General be, and he is hereby, directed to furnish to the Senate a copy of the final report upon the Indian deprecation claims, with the list of judgments attached thereto made by the former Assistant Attorney-General in charge of the defense of the Indian deprecation cases brought in the Court of Claims under the act approved March 3, 1891, said report bearing date August 1, 1893, and being the one referred to in exhibit 4 of the Attorney-General's report to Congress for the year ending December 1, 1893.

In compliance with the terms of said resolution, I herewith submit the report of the former Assistant Attorney-General charged with the defense of Indian deprecation claims under the act of March 3, 1891, bearing date August 1, 1893, and being the same referred to in exhibit 4 of my report to Congress for the year ending December 1, 1893.

Respectfully,

RICHARD OLNEY,
Attorney-General.

The PRESIDENT OF THE SENATE.

DEPARTMENT OF JUSTICE,
Washington, D. C., August 1, 1893.

SIR: Before retiring from the office of assistant attorney-general I respectfully submit the following report in regard to actions brought in the Court of Claims under the act of March 3, 1891, "to provide for the adjudication and payment of claims arising from Indian deprecations," in which I have been charged with the defense of the Government and Indians.

INDIAN DEPREDEATION CLAIMS.

Up to August 1, 1893, there have been 9,706 actions commenced in the Court of Claims for damages arising from Indian depredations; in these the aggregate amount claimed is \$37,533,374.15.

There have been judgments rendered in and a final disposition had of 751 of such cases, in 453 of which judgments have been in favor of claimants, and in 298 of which judgments have been in favor of the Government and Indians. The aggregate amount of the judgments in favor of claimants is \$931,391.45; in these the amounts of the original claims aggregate \$1,707,938.50. The original claims in the 298 actions in which judgments have been rendered in favor of the defendants aggregate \$1,385,247.90.

It thus appears that the original claims for Indian depredations which have been adjudicated in the Court of Claims pursuant to the act of March 3, 1891, aggregate \$3,093,186.40, and that the difference between the amount of such claims so adjudicated and the amount of the judgments rendered in favor of claimants is \$2,161,794.95.

The following is a list of all judgments rendered in the Court of Claims in favor of claimants in Indian depredation cases under the act of March 3, 1891, up to August 1, 1893, in which is given the name of claimant, the amount claimed, and the date and amount of judgment in each case:

Judgments in Indian depredation cases in favor of claimants up to August 1, 1893.

In whose favor rendered.	Amount claimed.	Amount of judgment.	Date of judgment.
Mortimer Hynes.....	\$100.00	\$85.00	Jan. 11, 1892.
John B. Tompkins.....	6,075.00	2,400.00	Do.
Julius Cragner.....	739.00	350.00	Do.
Isaac Van Bremmer.....	1,250.00	625.00	Do.
Mary Widner, administratrix.....	1,650.00	1,250.00	Do.
C. J. Van Meter.....	575.00	575.00	Do.
William T. Asbell.....	550.00	550.00	Do.
Mary Widner, administratrix.....	2,388.25	1,432.95	Do.
James Longmire.....	934.00	544.50	Do.
John Watkins.....	1,292.00	475.00	Do.
Harvey S. Shepard, administrator.....	928.50	223.00	Do.
A. J. Knott, administrator.....	2,094.65	1,744.40	Do.
William H. Baker.....	70.00	50.00	Do.
B. F. Dowell.....	200.00	200.00	Do.
Maggie Dickinson, administratrix.....	286.25	143.00	Do.
Nils Peterson.....	300.00	250.00	Do.
Ellen Lockwood, administratrix.....	847.75	323.09	Do.
Hubert Pappan.....	207.00	167.00	Do.
Patrick O'Byrne.....	75.00	50.00	Do.
Manuel Silva.....	325.00	325.00	Do.
Robert M. Wright.....	1,546.66	600.00	Do.
H. C. Bridgman.....	215.00	215.00	Do.
George Harper.....	2,900.00	2,900.00	Do.
Zachariah T. Walrond.....	150.00	100.00	Do.
Charles Owen.....	837.50	418.75	Do.
James R. Mead.....	1,640.28	820.00	Jan. 12, 1892.
M. J. McDaniel, administrator.....	2,375.00	900.00	Jan. 13, 1892.
William M. Wright.....	178.00	98.00	Jan. 14, 1892.
A. B. Medlan.....	1,125.00	575.00	Do.
Mary E. Owens, administratrix.....	650.00	380.00	Do.
James C. Loving.....	6,600.00	3,510.00	Mar. 23, 1892.
Rachel Gilbert.....	10,000.00	2,800.00	Apr. 4, 1892.
Campbell & Clinton.....	525.00	475.00	Apr. 18, 1892.
John J. Moss.....	339.35	339.35	Do.
Felix G. Iman.....	2,572.50	1,543.50	Do.
William Kronig.....	5,740.00	2,787.00	Do.
John A. Gordon.....	125.00	125.00	Do.
J. H. Estes.....	732.00	417.00	Do.
Jerome McAllister.....	1,500.00	725.00	Do.
Mrs. S. B. Jacobs, administratrix.....	495.00	495.00	Do.
V. B. Peterson.....	1,300.00	500.00	Do.
Henry A. Whaley.....	2,260.00	2,260.00	Do.
Theodore A. Sloan, administrator.....	3,390.00	2,080.00	Do.
Joseph T. Fanning.....	330.00	330.00	Do.
A. J. Henson.....	1,250.00	800.00	Do.
C. W. Cooper.....	2,500.00	2,500.00	Do.
Daniel E. Moore.....	66,085.00	2,050.00	Do.
Seth E. Ward, surviving partner.....	10,382.54	7,947.54	Do.
Chapman & Tuttle.....	7,150.00	2,025.00	Do.
George W. McDonald & Co.....	1,775.00	1,275.00	Do.
David A. Smith and Eben Smith.....	1,850.00	900.00	Do.
W. J. Welborn.....	225.00	225.00	Do.
Alphonse Rishop.....	100.00	75.00	Do.
E. B. Akerly.....	1,360.00	1,310.00	Do.
John Hensley.....	5,450.00	1,950.00	Do.
David Cottiers.....	1,832.10	390.00	Do.
Arthur J. Chapman.....	14,443.00	14,150.75	Do.

Judgments in Indian deprecation cases, etc.—Continued.

In whose favor rendered.	Amount claimed.	Amount of judgment.	Date of judgment.
Louis Pashall.....	\$454.00	\$250.50	Apr. 18, 1892.
Ezekiel Bailey.....	7,575.00	2,650.00	Do.
Susan A. Payne and Thomas A. McLeary, administrators.	4,975.00	1,230.00	Do.
Richard F. Barrett.....	2,942.50	1,558.00	Do.
Barney Hughes.....	735.00	687.50	Do.
B. Brockway, administrator.....	470.50	470.50	Apr. 25, 1892
J. W. Ladd.....	1,150.00	600.00	Do.
Louis Bordeaux, administrator.....	1,575.00	1,350.00	Do.
George Fleming.....	700.00	700.00	Do.
Eli M. Sewell.....	1,080.00	800.00	Do.
William McCullough, administrator.....	340.00	340.00	Do.
Hettie Bellmard, administratrix.....	1,293.00	678.00	Do.
Helen Watkins, administratrix.....	300.00	250.00	Do.
O. P. Goodwin.....	400.00	240.00	Do.
James H. Nixon, administrator.....	615.00	414.00	Do.
Charles Rath.....	1,350.00	1,100.00	Do.
David Lucas.....	350.00	100.00	Do.
John F. Sturgill.....	200.00	90.00	Do.
E. J. Alexander.....	290.00	230.00	Do.
William McCullough.....	500.00	300.00	Do.
F. M. Phillips.....	800.00	400.00	Do.
J. H. Richards, administrator.....	974.00	574.00	Do.
Francis M. Vanderpool.....	515.00	351.00	Apr. 26, 1892.
M. A. Mousseau.....	7,110.00	2,513.75	Do.
Abney & Bender.....	3,093.50	950.00	Do.
Oliver P. Goodwin.....	2,700.00	1,800.00	Do.
H. M. Fosdick.....	500.00	500.00	Do.
Francis C. Boucher.....	375.00	225.00	Do.
John Jones.....	1,150.00	560.00	Do.
Hiram B. Kelly.....	3,450.00	3,450.00	Do.
John H. Durbin, administrator.....	3,920.00	2,500.00	Do.
W. H. Bush.....	7,600.00	375.00	Do.
F. A. Baldwin, administrator.....	2,400.00	1,200.00	Do.
Vivian Baca.....	18,910.00	7,180.00	Do.
James H. Clark.....	6,494.00	4,675.00	Do.
Austin E. Koon, administrator.....	3,137.50	1,568.75	Apr. 28, 1892.
William Kronig.....	1,080.00	665.00	May 2, 1892.
Jesus Garcia.....	219.00	85.00	Do.
Juan Chavez y Pena, administrator.....	662.50	662.50	Do.
Tranquillino Luna, administrator.....	18,200.00	9,850.00	May 3, 1892.
George Hollister.....	334.00	321.00	May 4, 1892.
Joseph M. Apodaca.....	300.00	150.00	Do.
John Watts.....	1,250.00	650.00	Do.
George F. Brott.....	490.00	350.00	Do.
Chas. Probst and August Kirchner.....	900.00	370.00	Do.
Marion G. Samaniego, administrator.....	13,089.00	{ 9,350.50 } 1,599.50	May 9, 1892.
Isaac W. Baker, administrator.....	3,581.60	600.00	Do.
Francisco Lopez.....	470.00	225.00	Do.
Wm. M. Murphy.....	732.50	692.50	Do.
Randolph Irminger.....	2,193.00	1,222.00	May 10, 1892.
H. M. Chase.....	10,004.50	5,736.50	Do.
Chas. H. Bitting.....	2,133.00	636.50	Do.
Dennis Sheedy.....	11,591.00	5,929.00	May 11, 1892.
Patrick Gosson.....	500.00	225.00	Do.
Jesse H. Crane.....	4,800.00	3,300.00	Do.
Ledrick & Whittaker.....	18,472.00	6,800.00	Do.
Bickford & Stanley.....	866.45	600.00	Do.
O. H. Shearon.....	100.00	100.00	Do.
Bazille Clemens.....	4,650.00	1,740.00	Do.
Amado C. De Baca, administrator.....	2,330.00	2,330.00	Do.
L. T. Richmond, administrator.....	11,875.14	4,144.50	Do.
Bickford & Stanley.....	1,400.00	1,000.00	Do.
M. J. Hamilton, executor.....	6,184.00	5,684.00	Do.
J. D. & T. C. Hulett.....	8,000.00	7,800.00	Do.
Flowers & Fitzhugh.....	4,250.00	3,000.00	Do.
Frederick Fredley.....	5,350.00	3,175.00	Do.
Rock Bush.....	1,050.00	700.00	Do.
John M. Edwards.....	505.00	242.50	Do.
Glendore DeGraw.....	975.00	625.00	Do.
Encarnacion Montoya de Martinez, administrator.....	2,500.00	1,475.00	May 17, 1892.
Elizabeth J. Amis, administratrix.....	5,443.75	5,443.75	May 24, 1892.
José Maria Chavez.....	1,700.00	1,015.00	June 13, 1892.
James C. Loving.....	2,175.00	2,115.00	Do.
John T. Mitchell, administrator.....	12,719.08	7,800.00	Do.
John S. Luff.....	7,264.50	7,000.00	Do.
Richard F. Piatt, Henry T. Sadorus, and James Bryden.....	39,000.00	6,225.00	Do.
George N. Moses.....	500.00	485.00	Do.
Albert Halladay.....	3,796.00	1,919.25	Do.
Henry C. Frazier.....	2,225.00	1,375.00	June 16, 1892.
Rafael Romero.....	20,250.00	10,025.00	Do.

Judgments in Indian depredation cases, etc.—Continued.

In whose favor rendered.	Amount claimed.	Amount of judgment.	Date of judgment.
W. R. Stansell	\$644. 00	\$126. 00	June 16, 1892.
James K. Belk	300. 00	300. 00	Do.
Julia F. Halsell, administratrix	24, 860. 00	17, 720. 00	Do.
James C. Loving	2, 360. 00	2, 015. 00	Do.
James Bainter	5, 872. 50	4, 432. 50	Do.
Albert Halladay	9, 850. 00	6, 809. 00	Do.
Samuel J. Martin	4, 139. 16	2, 075. 00	June 30, 1892.
Joseph E. Lacombe, administrator	692. 00	692. 00	Do.
Francis Garcia de Montoya <i>et al.</i> , administrators	700. 00	700. 00	Do.
David Robertson	119. 50	75. 00	Do.
Seth E. Ward	47, 850. 00	25, 750. 00	Do.
John N. Rouse	650. 00	490. 00	Do.
Bernard, Irwin & Piper	1, 150. 00	900. 00	Do.
Philip P. Gomer and Milton M. Delano	6, 400. 00	4, 350. 00	Do.
Margartha Burke, administratrix	6, 925. 00	5, 612. 50	Do.
Frank Kelley	9, 200. 00	5, 300. 00	Do.
Encarnacion Armenta	573. 00	442. 00	Do.
Elisha S. Babcock, administrator	13, 640. 00	13, 640. 00	Do.
C. H. Hardisty	1, 540. 00	1, 540. 00	Do.
George Sanderson, surviving partner	18, 150. 00	1, 050. 00	Do.
Cornelia G. de Baca, administratrix	5, 647. 50	2, 000. 00	Do.
Daniel J. Winters, surviving partner	1, 985. 00	935. 00	Do.
Francisco Lopez and Lorenzo Lopez	4, 400. 00	2, 750. 00	Do.
Cornelia C. de Baca, administratrix	4, 010. 00	1, 656. 25	Do.
Rafael Whittington, administrator	3, 900. 00	3, 900. 00	Do.
Henry Largey, administrator	312. 00	208. 16	Do.
Amado C. de Baca, administrator	1, 325. 00	240. 00	Do.
Mannel Abrew and Peter Maxwell, administrators	10, 000. 00	4, 200. 00	Do.
Amado C. de Baca, administrator	2, 695. 00	1, 230. 00	Do.
Frank S. Landry	2, 058. 50	940. 00	Do.
Thomas Ogle	350. 00	350. 00	Do.
Amado C. de Baca, administrator	512. 00	312. 50	Do.
Joaquin Montoya	735. 00	465. 00	Do.
Mrs. Orilla A. Burger, formerly Barton	225. 00	225. 00	Do.
Jonathan W. McCarty	1, 450. 00	1, 116. 50	Do.
J. C. Clark	1, 455. 00	1, 455. 00	Do.
Amado C. de Baca, administrator	3, 160. 00	3, 160. 00	Do.
Vincente Baca	450. 00	360. 00	Do.
Fielding Burns	1, 055. 00	1, 000. 00	Do.
Do	5, 775. 00	4, 620. 00	Do.
Olive Logan, administratrix	2, 100. 00	1, 500. 00	Do.
George Maxwell	17, 629. 00	5, 625. 00	Do.
Fred. W. Westmeyer	210. 95	210. 95	Do.
Wm. Kronig, administrator	5, 875. 00	3, 375. 00	Do.
Jose L. Rivera	10, 000. 00	5, 200. 00	Do.
John Nance	142. 50	75. 00	Do.
Lafayette Abbington	243. 35	200. 00	Do.
Andrew Dean (or Dehn)	550. 00	350. 00	Do.
Aaron Grigsby	232. 95	108. 15	Do.
James Smith	682. 00	550. 00	Do.
Hugh Campbell	635. 00	336. 00	Do.
Mrs. E. A. Bellion	1, 138. 00	651. 00	Do.
J. E. Van Natta	943. 00	520. 50	Do.
John Sonne	997. 00	597. 00	Do.
Oren C. Davis	290. 00	250. 00	Do.
Michael Duval	1, 005. 00	515. 00	Do.
Patricio Ortega, administrator	1, 600. 00	960. 00	Do.
C. D. Richardson	504. 50	192. 00	Do.
William N. Moore, administrator	1, 332. 00	500. 00	Do.
Jose Felipe Baca, administrator	10, 000. 00	3, 900. 00	Do.
William H. Raymond and Winthrop Raymond	3, 900. 00	3, 900. 00	Do.
Eugene Middleton, administrator	4, 470. 00	3, 095. 00	Do.
Henry C. Smith	925. 00	600. 00	Do.
Tunis Swick	2, 976. 50	2, 826. 50	Do.
Simon Lundry, surviving partner	8, 466. 80	6, 301. 80	Do.
William R. Baker	2, 793. 00	2, 527. 00	Do.
H. Z. Salomon	11, 400. 00	8, 108. 48	Do.
H. C. Hooker	22, 100. 00	14, 150. 00	Do.
James L. Allen	570. 00	285. 00	Do.
William F. Briggs	75. 00	40. 00	Do.
José A. Montoya, administrator	481. 00	100. 00	Do.
William McBean	2, 610. 00	1, 966. 50	Do.
H. J. Standage	900. 00	750. 00	Do.
Ysabel Blanchard, administratrix	3, 300. 00	2, 300. 00	Do.
Andrew J. Maxwell	1, 100. 00	910. 00	Do.
Maria Isabel de Baca y Ribera and José L. Ribera, administrators	1, 110. 00	780. 00	Do.
James M. Waide	3, 250. 00	3, 250. 00	Do.
Lester Walker	700. 00	375. 00	Do.
Albert G. Evans, Robert D. Hunter, and Jesse Evans	23, 075. 00	9, 000. 00	Do.
William B. Colcord	1, 970. 00	800. 00	Do.

Judgments in Indian depredation cases, etc.—Continued.

In whose favor rendered.	Amount claimed.	Amount of judgment.	Date of judgment.
Alexander Louis.....	\$125.00	\$75.00	June 30, 1892.
John Palmer.....	3,308.00	2,325.00	Do.
William H. Roberts, executor.....	707.00	640.00	Do.
William Carter.....	375.00	240.00	Do.
P. H. Green.....	3,839.35	1,900.00	Do.
Samuel M. Fisher.....	1,240.00	635.00	Do.
Joseph Robbins.....	1,143.00	1,043.00	Do.
James R. Mead.....	365.00	235.00	Do.
José Manuel Sandoval.....	261.00	163.00	Do.
Nicholas T. de Cordoba and Louisa S. de Martinez.....	4,334.00	2,648.50	Do.
Nicholas T. de Cordoba and Juan Abram Jiminez, administrators.....	2,485.00	1,780.00	Do.
Nicholas T. Cordova and Filomena Sais, administrators.....	1,315.00	1,025.00	Do.
Deluvina de Luna and Nicholas de Luna, administrators.....	17,572.00	3,996.00	Do.
Anastacio Cordova.....	375.00	275.00	Do.
Antonio Martinez.....	1,090.00	790.00	Do.
Miguel Esquibel.....	2,900.00	1,510.00	Do.
Lovina Stites, administratrix.....	320.00	320.00	Oct. 11, 1892.
John Moody.....	1,700.00	725.00	Do.
Davis Levy.....	927.65	927.00	Do.
Henry H. Woodward.....	530.00	252.75	Do.
E. C. Hardy.....	669.00	589.00	Do.
Florence F. Fargo, administratrix.....	120.00	110.00	Do.
John Whitford, administrator.....	742.75	737.25	Do.
Jarib L. Sanderson, surviving partner.....	10,750.00	7,740.00	Do.
José Anastacio Trujillo.....	370.00	300.00	Do.
Natividad Montano and Juan J. Gonzales, administrators.....	420.00	420.00	Do.
William V. F. Earle.....	760.00	455.25	Do.
Herman Levi, et al.....	108.50	108.50	Nov. 1, 1892.
Deluvina Vigil de Desmaris, administrator.....	19,100.00	8,625.00	Nov. 28, 1892.
Richmond T. Battey, administrator.....	275.00	225.00	Dec. 5, 1892.
Nancy P. Hewitt.....	5,858.50	468.30	Do.
Malcolm McNeil.....	200.00	200.00	Do.
Daniel F. Bradford and Putnam T. Bradford.....	9,630.00	7,820.00	Do.
Jeremiah Grahm.....	1,000.00	750.00	Do.
William W. Man.....	130.00	125.00	Do.
Theodore Coulson.....	150.00	125.00	Do.
Hiram B. Kelly.....	400.00	400.00	Do.
Lorin S. Jenks.....	300.00	250.00	Do.
Augustus Trabing.....	770.00	675.00	Do.
Nicholas Janis.....	4,800.00	1,615.00	Do.
P. R. Tull, surviving partner.....	24,520.00	15,215.00	Do.
James Whitehead.....	26,650.00	7,100.00	Do.
Jean Louis Rilliett.....	4,340.00	2,723.00	Do.
Desiderio Valdez, administrator.....	100.00	40.00	Do.
Marcus Gonzales.....	1,125.00	900.00	Do.
José Saiz and Juan Urioste, administrators.....	740.00	400.00	Do.
Jerome T. Parrot.....	3,390.00	1,614.00	Do.
Martha A. Gallop.....	293.25	223.69	Do.
Jesus M. Tafoya and José Manuel Raca, administrators.....	720.00	720.00	Do.
Pablo Sanchez, administrator.....	10,500.00	2,850.00	Do.
Stephen Stanley.....	25,994.50	12,935.00	Do.
Antonio José Herrera and Trujencio Herrera, administrators.....	3,250.00	1,950.00	Do.
Peter Corn.....	250.00	250.00	Do.
Do.....	150.00	150.00	Do.
Do.....	75.00	75.00	Do.
Do.....	75.00	75.00	Do.
Martin W. Fanning.....	200.00	200.00	Do.
Joseph Leonia.....	3,400.00	1,000.00	Dec. 8, 1892.
S. A. Hamlin, administrator.....	2,550.00	2,025.00	Do.
August Ernest.....	178.00	125.00	Do.
Thomas Chevaliç.....	1,775.75	587.87	Do.
Felix Ulibarri.....	3,699.00	1,550.00	Do.
Joseph Knight.....	4,560.00	2,700.00	Do.
Joseph Bissonette.....	1,990.75	1,057.95	Do.
Do.....	1,350.00	925.00	Do.
Thomas A. Trujillo, administrator.....	470.00	375.00	Do.
Hiram Leaf.....	140.00	100.00	Do.
William Zigler.....	500.00	400.00	Jan. 4, 1893.
Mariasita C. Rea, administratrix.....	19,100.00	7,600.00	Do.
Edward Morin.....	9,000.00	2,450.00	Do.
Allen G. Reed and J. M. Bradley.....	3,720.00	1,300.00	Do.
Robert M. Nelson.....	1,250.00	340.00	Do.
José Merrivale.....	1,800.00	1,190.00	Do.
Do.....	5,425.00	2,820.00	Do.
George Storrs.....	985.00	740.00	Do.
Daniel S. Shaw.....	2,500.00	2,100.00	Do.
William B. Bolton.....	1,148.50	916.80	Do.
Isaac Lemon and A. S. Perham.....	4,167.00	3,241.00	Do.
W. B. Stapp.....	2,595.00	2,585.00	Do.

Judgments in Indian depredation cases, etc.—Continued.

In whose favor rendered.	Amount claimed.	Amount of judgment.	Date of judgment.
Allen Embree	\$567.75	\$500.00	Jan. 4, 1893.
Gabriel H. Horton	8,954.50	3,404.00	Do.
José H. Montoya, administrator	2,120.00	880.00	Do.
Patrick Shanley	1,510.00	785.00	Do.
Allen G. Reed	6,100.00	5,185.00	Do.
Dennis Tryon	10,389.00	6,154.00	Do.
Thomas Tedstone	258.75	200.00	Do.
S. B. Burnett	675.00	675.00	Do.
Tousaint Morrisette	1,704.00	900.00	Do.
C. C. Shore	64.45	64.45	Do.
Juan B. Garcia	600.00	400.00	Do.
Lucinda Wiggins, executrix	815.00	350.00	Do.
Lorenzo Valdez, surviving partner	12,000.00	6,450.00	Do.
Martin Combs	7,494.00	5,620.00	Do.
James S. Wells	1,534.25	1,331.25	Do.
Bernardo Valencia	3,000.00	1,800.00	Do.
Robert C. Percival	1,400.00	751.00	Do.
William H. Morgan	1,150.00	1,150.00	Do.
Tomas Garcia, administrator	3,600.00	2,400.00	Do.
Otto Uhlig, administrator	9,832.00	4,961.00	Do.
Rufus Cook, administrator	2,104.85	1,800.00	Do.
John M. Stacks	1,000.00	825.00	Do.
Alfred M. Green	165.00	165.00	Do.
Adam Sheek	50.00	50.00	Do.
Joe P. Frazier	250.00	249.00	Do.
Clem Wilson, son and heir of William Wilson	700.00	455.00	Do.
Andrew J. Greenway	1,050.00	700.00	Do.
William Rea	600.00	300.00	Do.
William Edgin	125.00	125.00	Do.
Allen Louis Porter	3,914.00	2,513.00	Do.
Isaac Fieldhouse	2,725.00	1,005.00	Do.
John W. Godfrey	260.00	250.00	Do.
William B. Gilliland	400.00	400.00	Do.
Amos Lamson	42.00	25.00	Do.
John W. Brawley, executor	300.00	250.00	Do.
S. C. Dean	75.00	50.00	Do.
Phoebe E. Day, administratrix	913.37	913.00	Do.
John P. Polk, administrator	771.50	325.00	Do.
José Merrivale	1,120.00	660.00	Do.
Abram H. Woolery	1,463.00	1,000.00	Do.
Frank Schmidt, surviving partner	4,000.00	1,364.00	Do.
Michael S. Herr	490.50	273.50	Jan. 17, 1893.
John Hunten	100.00	100.00	Do.
Chas. H. Elston	4,272.00	900.00	Do.
Andrew J. Howell	550.00	550.00	Do.
Henry Williamson	150.00	125.00	Do.
William E. Martin, administrator	6,596.00	984.00	Do.
William J. Hazen	600.00	150.00	Do.
Henry Van Asselt	1,859.50	1,799.50	Do.
S. P. Johnson	950.00	950.00	Do.
Lazara Sanchez	10,500.00	5,250.00	Do.
Benjamin Claymore	1,115.00	450.00	Do.
John F. Waggoner, administrator	1,275.00	625.00	Do.
Macario Gallegos, administrator	2,275.00	1,505.00	Do.
John J. Fisher, administrator	735.00	441.00	Feb. 6, 1893.
Stephen S. Sharp and Thos. A. Shaw	8,380.00	5,305.00	Do.
W. N. Hinman	1,229.00	1,000.00	Do.
Gurden H. Palmer, administrator	1,285.00	1,085.00	Do.
Eutimio Montoya <i>et al.</i> , administrators	10,400.00	3,800.00	Do.
Don A. Sanford	34,808.00	21,000.00	Do.
William Barton, administrator	900.00	500.00	Do.
Hiram Davis and John H. Hiteman	9,625.00	3,575.00	Do.
Cyrus F. Goddard	4,050.00	3,120.00	Do.
Frank Lesnet, administrator	3,267.00	2,737.00	Do.
Lewis W. Dennen, administrator	450.00	255.00	Do.
Matthew Clark	770.00	550.00	Do.
Elanterio Baca	8,147.50	2,575.00	Do.
Zook & Alderson	6,337.04	3,950.28	Do.
Eugene W. Dow	400.00	250.00	Do.
Charles Miller and A. P. Hardin	11,300.00	2,550.00	Do.
Hiram A. Libby, administrator	918.90	707.50	Do.
Charles M. and William J. Baum	1,800.00	900.00	Do.
Thomas A. Wythe, executor	90.00	90.00	Do.
Hester J. Croxton, administratrix	1,008.25	983.25	Do.
Curtis C. Cady	165.00	165.00	Do.
Thomas O'Laughlin	6,004.77	4,320.77	Do.
Oscar F. Bike and Frank A. Jones	538.00	488.00	Do.
Don A. Sanford	280.00	150.00	Do.
Augustus C. Larkin	11,500.00	6,072.00	Do.
Morgan A. Hance, surviving partner	3,125.00	3,125.00	Do.
George A. Webber	100.00	100.00	Do.

Judgments in Indian depredation cases, etc.—Continued.

In whose favor rendered.	Amount claimed.	Amount of judgment.	Date of judgment.
William E. McLachlen, executor.....	\$13,200.00	\$8,575.00	Feb. 6, 1893.
Holland McCollum, administrator.....	1,447.50	1,447.50	Do.
Hammon & Taylor.....	238.82	238.82	Do.
Henry F. Erret, administrator.....	4,424.20	4,424.20	Do.
A. E. Ludolph.....	4,620.00	3,900.00	Do.
Coe & Carter.....	21,310.00	21,310.00	Do.
Carter & Crary.....	4,325.00	4,000.00	Do.
Rufino Gonzales.....	825.00	605.00	Feb. 13, 1893.
Edward Morin.....	675.00	425.00	Do.
John McKee, administrator.....	11,937.00	5,667.00	Do.
Joel McKee.....	14,290.00	9,960.00	Do.
Francis Mayock.....	1,500.00	1,500.00	Do.
Elizar Hills.....	350.00	200.00	Do.
Oliver P. Wiggins.....	4,590.00	4,590.00	Do.
Johanna Barry, administratrix.....	1,270.00	1,270.00	Do.
John S. O'Neal, surviving partner.....	13,100.00	7,800.00	Do.
William N. Byers.....	400.00	400.00	Do.
Abram T. Litchfield.....	14,665.70	10,190.00	Do.
Mountlian G. Driskell.....	100.00	100.00	Do.
Elijah Woolbert.....	165.00	24.00	Do.
Manuel Jiminez.....	13,582.00	5,135.07	Do.
H. A. Smith.....	1,728.00	1,618.00	Do.
Anastasio Romero, administrator.....	560.00	325.00	Do.
Anna Nelson, executrix.....	1,584.60	800.00	Do.
Isaac L. Peck.....	1,221.42	725.35	Do.
Jackson Leatherman.....	1,246.80	551.60	Do.
Russell S. Newell.....	3,113.00	2,000.00	Do.
William Sherburn.....	450.00	450.00	Do.
Joseph Murphy.....	150.00	100.00	Do.
David Cottier.....	1,050.00	840.00	Do.
Jerome H. Scott, administrator.....	625.00	625.00	Do.
Warren W. Bassett.....	150.00	125.00	Feb. 20, 1893.
John Lawrence and James B. Woodson, copartners.....	600.00	600.00	Do.
Thomas McGlinn.....	1,200.00	900.00	Do.
Esteban N. Burnbaum, administrator.....	2,160.00	2,160.00	Feb. 27, 1893.
Margaret A. Genthner.....	31,353.40	3,212.90	Do.
Henry Kollar.....	5,695.00	570.00	Do.
Bernard Irwin & Co.....	375.00	375.00	Do.
Maria P. Herauda.....	7,500.00	7,500.00	Do.
William Bischof.....	3,750.00	1,500.00	Do.
Nelson Story.....	2,250.00	2,000.00	Do.
Francisco Saiz, surviving partner.....	2,575.00	2,575.00	Do.
Samuel N. Hedges, surviving partner.....	6,421.00	6,421.00	Do.
Severo M. Vigil, administrator.....	300.00	90.00	Do.
Felipe Delgado, surviving partner.....	8,055.00	7,930.00	Do.
William E. Dean.....	353.00	353.00	Apr. 3, 1893.
Nehemiah P. Ellsbree.....	1,400.00	265.00	Do.
John W. Redfield.....	3,565.91	3,149.91	May 22, 1893.
Granville Naylor.....	398.62	398.62	Do.
Wm. E. Davis.....	255.00	180.00	Do.
E. P. Waterman.....	380.00	380.00	May 29, 1893.
John Lowery.....	1,760.00	1,760.00	Do.
George J. Hays.....	3,050.00	3,000.00	Do.
Oliver D. Gaff.....	2,550.00	2,550.00	Do.
Henry T. Clarke <i>et al.</i>	9,547.00	8,692.00	June 12, 1893.
Alex. G. McGregor, administrator.....	450.00	375.00	June 19, 1893.
Alex. G. McGregor, administrator.....	900.00	720.00	Do.
E. F. Williams.....	250.00	150.00	Do.
Francisco Saiz, administrator.....	3,520.00	1,835.00	Do.
Birney Dunn.....	765.00	300.00	Do.
Edson Gerry.....	5,770.00	3,830.00	Do.
Susan M. Roach, executrix.....	5,260.00	4,900.00	June 22, 1893.
Henry A. Whaley.....	27,005.00	6,700.00	Do.
Frederick H. Burr.....	1,950.00	1,950.00	Do.
Juan Jose Herrera.....	3,750.00	3,750.00	Do.
Chas. H. Peck, surviving partner.....	14,575.00	11,175.00	Do.
Joseph W. Paddock.....	8,300.00	6,950.00	Do.

The judgments rendered in favor of claimants in Indian depredation cases prior to July 1, 1892, aggregate \$479,067.62. Of these judgment, the amount of \$815 was chargeable against the Osage Indians and was paid directly from the funds of such tribe without special Congressional action being had. Provision was made by Congress by an appropriation of \$478,252.62 for the payment of the remainder of the judgments which had been rendered prior to July 1, 1892.

The judgments rendered in favor of claimants in Indian depredation cases since July 1, 1892, aggregate \$452,323.83, and for the payment of these no appropriation has yet been made by Congress.

The judgments rendered in favor of claimants, with the exception of eight cases, are upon claims which had been examined, approved, and allowed by the Secretary of the Interior under the act of March 3, 1885, or other Indian depredation acts. These were actions, with few exceptions, entitled to priority of consideration by the court under section 4 of the act of March 3, 1891, and the claimants were entitled to judgment for the amounts therein found due, unless either the claimants or the United States elected to reopen the same.

The judgments in favor of the defense represent in many instances distinct classes of claims, and are really adjudications in certain test cases selected for the purpose of judicially settling the questions applicable to such classes. In view of the importance of these decisions some of the classes may be mentioned.

The following six cases brought against the Bannock and Pi-Ute tribes of Indians have been decided in favor of the defense. The decisions therein are directly applicable to more than 200 cases still pending, which involve nearly \$2,000,000. They are also applicable to all claims for depredations committed by the Bannock, Pi-Ute, Snake, or other tribes of Indians engaged in the hostilities of 1878 in Idaho, Oregon, and adjoining States, commonly known as the Bannock Indian war:

- No. 3104. John Dixon.
- No. 3105. Marks and Wollenberg.
- No. 3106. Stilley Riddle.
- No. 3107. Ann Short.
- No. 3622. J. R. and Enos Dixon.
- No. 6568. Henry C. Wilson.

The cases of M. B. Welborn, administrator, No. 3584, and Samuel C. Daniel, jr., administrator, No. 3141, against the Creek tribe or nation of Indians have been decided by the court in favor of the defense. The decisions are directly applicable to 162 suits pending in the Court of Claims, as well as to each of the 1,003 claims, aggregating \$1,272,722.20, examined by the Creek commission, for depredations occurring during the Indian hostilities of 1836 in Alabama, Georgia, and Florida, generally known as the Creek war of 1836.

The Court of Claims has decided in favor of the defense in the action of Jesse L. Adams, No. 1416, brought against the Pitt River tribe or band of Indians for depredations committed in northern California in 1858. This decision is directly applicable to some 20 cases of like character still pending, and also to all other actions brought against the Pitt River tribe and other Indians for depredations committed in that section of the United States during the hostilities of 1858.

The case of James S. Valk, coexecutor, etc., No. 475, brought for depredations committed by the Rogue River tribe of Indians in Oregon in 1856, has been decided in favor of the defense. The decision therein is directly applicable to several hundred cases pending in the court for losses that occurred during the general Indian war of 1855-56, in which not only the Rogue River but the Umpqua, Klickitat, Yakima, Cow Creek, Shasta and other tribes were engaged in a general uprising against the whites, which extended from California to Puget Sound. Not only so, but the decision on the subject of citizenship is applicable to many thousand cases brought under the first class, defined in section 1 of the act of March 3, 1891. The question of citizenship, as an essential requisite to claimants recovery, has also been decided by the court in the cases of Soren Anderson, No. 5355, and Hosford and Gagnon, Nos. 3912 and 3913.

Briefs and arguments on behalf of the Government and Indians have also been prepared and filed in other cases representing distinct classes of claims, which have not yet been passed upon by the court, but which, from their importance, are deemed worthy of special mention. The following have been selected as test cases from 2,940 claims, aggregating \$2,458,795.16, arising from the hostilities of the Sisseton, Wahpeton, Medawakanton, and Wahpakoota bands or tribes of Sioux Indians in Minnesota in the year 1862:

- No. 3856. Matthew Wright.
- No. 3683. Abner M. Darling, administrator.
- No. 4176. Jerome J. Getty.

The following were selected as test cases from seventy-three claims arising from the hostilities of the Rogue River tribe of Indians in Oregon, known as the Rogue River Indian war of 1853, on which \$15,000 was paid to claimants upon the awards of the Rogue River Commission, by the express terms of the treaty with the Indians entered into September 10, 1853:

- No. 964. Edward B. Myer, administrator of John Anderson.
- No. 277. Edward B. Myer, administrator of Thomas Frizzell.
- No. 272. Edward B. Myer, administrator of Pleasant W. Stow.
- No. 1420. Elizabeth Ross, administratrix of John E. Ross.

The cases of Alvin C. Leighton, Nos. 817-822, involve not only the settlement of important questions bearing on the opening of allowed cases under the act of March 3, 1891, and former Congressional acts, but are also types of numerous claims against

the confederated tribes of Sioux Indians for losses arising during general Indian hostilities from 1865 to 1868 in Wyoming, Dakota, Colorado, and Nebraska.

The decision of the case of George H. Gidlings, No. 3873, requires a construction of the act of March 3, 1891, upon the statute of limitations. It is an action in which judgment is asked for over \$200,000, and it is also important as a representative of many other claims arising from hostilities of the Apaches, Navajoes, and other tribes of Indians, occurring from 1855 to 1862 in Texas, Arizona, and New Mexico.

The case of James Martin, administrator of Frank McCoy, No. 3616, is for depredations committed in Idaho and Oregon in 1866. The claim is against the Snake tribe of Indians, and the decision therein will be applicable not only to suits brought against such tribe, but also to those brought against other Indian tribes in that locality during the time mentioned.

The case of Joseph Loranger, administrator, No. 7931, is one of a number of claims for losses occurring in 1812 and 1813 from the depredations of the Pottawatomie and other tribes of Indians allied with Great Britain during the war with the United States. The decision of this action involves not only the question of the liability of the Government for the loss of private property taken by the public enemy in time of war, but also the question of the application of the rule of *res adjudicata* to the findings and judgments of the Court of Claims in Indian depredation cases prior to the passage of the act of March 3, 1891.

The case of L. D. Philbrook, No. 1559, is one of a number pending against the Blood and Piegan tribes of Indians for depredations committed in Montana by members of Indian tribes domiciled in the British Possessions. The case of Lewis I. F. Jaeger, No. 1108, is for depredations committed by the Yuma tribe of Indians in lower California, outside the territorial jurisdiction of the United States. The question of the citizenship of Mexican Indians who became subjects of the United States under the treaty of Guadalupe Hidalgo and of their tribal liabilities is also involved in the latter case.

The following have been briefed and argued as test cases selected from a number of claims for depredations committed by members of Chief Joseph's band of non-treaty Nez Perce Indians during the Nez Perce war of 1877 in Idaho and Montana:

No. 923. Wm. M. Wolverton, administrator.

No. 2811. Stone and Roush.

No. 6010. Shoup and Glendenning.

The cases of the Northwestern Stage, Transportation and Express Company, Nos. 1068-1074, involve the question of the right of recovery and the citizenship of a corporation organized under State law.

The cases of Amanda M. Fletcher Cook *et al.* No. 5072, and Lewis B. Gillett *et al.*, No. 2346, require, among other things, a construction of section 1086 of the Revised Statutes of the United States in regard to corrupt practice, or attempts to practice fraud, against the United States in the proof, statement, establishment, or allowance of any claim for Indian depredations under the act of March 3, 1891, or prior acts of Congress. In the former case claimants ask judgment for \$106,295.

Upon the decisions of the court in the foregoing test cases depends the liability of the Government to respond in damages to the amount of many millions of dollars. It is believed, however, that in each of the actions named the legal principles announced by the court in other cases already determined will relieve the Government and Indians from all liability in these several classes of claims.

In the following cases decided in favor of the defense claimants' counsel have given notice of appeals to the Supreme Court of the United States, or filed motions for new trials in the Court of Claims:

M. B. Welborn and others against the Creeks; John Dixon and others against the Bannock and Pi-Utes; James S. Valk against the Rogue River Indians; and Penny and Son against the Sioux.

In the case of Joshua Gorham (No. 4514) *v.* The United States and the Kiowa and Comanche tribes of Indians, involving the liability of the Government for depredations committed in the winter of 1868 in Texas, a dismissal was entered against the defendant tribes of Indians, but judgment rendered against the Government. A motion for new trial in the Court of Claims has been filed on behalf of the Government, and the case is awaiting argument thereon at the next term of court.

The appropriations provided by Congress for the defense of this class of actions for the fiscal year ending June 30, 1892, were \$25,000, and for the fiscal year ending June 30, 1893, \$35,000. The amount appropriated for the current fiscal year is only \$22,500.

Very respectfully,

L. W. COLLEY,
Assistant Attorney-General.

The ATTORNEY-GENERAL.