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Claim of Lieutenant R. H. Pratt. Letter from the Secretary of the Interior, in relation to the claim of Lieutenant R. H. Pratt, United States Army.

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Recommended Citation

H.R. Exec. Doc. No. 7, 42nd Cong., 1st Sess. (1871)

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CLAIM OF LIEUTENANT R. H. PRATT.

LETTER

FROM

THE SECRETARY OF THE INTERIOR,

IN RELATION TO

The claim of Lieutenant R. H. Pratt, United States Army.

MARCH 15, 1871.—Referred to the Committee on Military Affairs and ordered to be printed.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., March 13, 1871.

SIR: I have the honor to transmit herewith a copy of a communication, dated the 9th instant, from the Acting Commissioner of Indian Affairs, reporting the claim of Lieutenant R. H. Pratt, United States Army, for the value of a horse taken and killed by Comanche Indians in 1869, valued at two hundred dollars. The accompanying papers with the report are respectfully submitted to Congress, under the fourth section of the act making appropriations for the Indian Department, approved July 15, 1870, for such consideration and action as may be deemed proper by that body.

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., March 9, 1871.

SIR: I have the honor to submit herewith a claim of Lieutenant R. H. Pratt, United States Army, for the value of a horse taken and killed by Comanche Indians in 1869, \$200.

The testimony adduced, in my judgment, sustains the charge. On presentation of the case to the Comanches in council, by the United States agent, Laurie Tatum, in accordance with the requirement of the seventeenth section of the intercourse act of June 30, 1834, respecting claims for depredations by Indians, they admitted killing the horse, but refused to make satisfaction.

I respectfully recommend favorable consideration of the claim, and

that it be laid before Congress for the action of that body, under the fourth section of the act making appropriations for the Indian Department, approved July 15, 1870.

Very respectfully, your obedient servant,

H. R. CLUM,
Acting Commissioner.

Hon. C. DELANO,
Secretary of the Interior.

OFFICE KIOWA AGENCY,
Indian Territory, 12th Month 5, 1870.

FRIEND E. HOAG, SUPERINTENDENT: The accompanying claim of Lieutenant R. H. Pratt for one horse was presented in council to the Indians. The Comanches admit killing the horse, but refuse to make satisfaction.

Respectfully,

LAURIE TATUM,
United States Indian Agent.

FORT SILL, INDIAN TERRITORY, July 27, 1870.

SIR: I have the honor to submit the following statement and application to the Indian Department:

When I went on leave of absence in October, 1869, I left my horse to be taken care of in the company. I prized him highly, and in fact refused two hundred dollars for him just before going away, because I knew I could not replace him for that sum. I did not return until last month.

The horse was lost from the herd as explained by affidavit of Sergeant Stone, and I am assured that every effort possible was made for his recovery, but with no success.

I do not wonder that the Indians were loth to part with him, as he was by far the best saddle-horse in the six companies of cavalry serving at this post.

All the circumstances attending the loss that can be elicited are given in the papers appended hereto, and you will be able to see where the responsibility for his loss and death lies.

I claim that the Indian Department should reimburse me to the extent of two hundred dollars for the loss, under the existing treaty between the United States and the Comanches, and request your action to that end.

I have never made any effort to retaliate upon the Indians, or to recover from them for the loss in question.

I have the honor to be, very respectfully, your obedient servant,

R. H. PRATT,
First Lieutenant Tenth Cavalry, Brevet Captain United States Army.

LAURIE TATUM, Esq.,
United States Indian Agent for Kiowas, Comanches, and Apaches.

Personally appeared before me, Brevet Colonel W. W. Sanders, captain Sixth Infantry, judge advocate general court-martial, Sergeant Arthur Stone, Company D, Tenth Cavalry, who, being duly sworn, deposes and says:

That on the 12th day of November, 1869, I was in charge of the horses of D Company, Tenth Cavalry, while they were out grazing near Fort Sill, Indian Territory; that while they were being watered in Medicine Bluff Creek, the horses of Company C, Tenth Cavalry, were driven into the same place for water, and the two herds coming together created a temporary confusion, during which a large sorrel horse belonging to Brevet Captain R. H. Pratt, first lieutenant of the company, got separated from the herd and lost. After getting the herd quiet again, I looked thoroughly for the horse in the vicinity, but was unable to find him. I reported the loss to the first sergeant of the company about two hours after it occurred, and he sent me two men to help look for the horse, and under my instruction they made diligent and extended

search. They reported that they heard from Indians of the horse going up Cache Creek with some Indian ponies, but did not feel justified in going so far away without orders; that the search for the horse was continued for several days, and information that the Comanche Indians in camp ten or twelve miles from Fort Sill up Cache Creek had him, was received. A short time after that I heard that the horse had been killed by the Indians.

ARTHUR STONE.

Sworn to and subscribed before me at Fort Sill, Indian Territory, this 26th day of July, 1870.

W. W. SANDERS,
Bvt. Col. U. S. A., Capt. Sixth U. S. Inf., Judge Advocate G. C. M.

Personally appeared before me, Brevet Colonel W. W. Sanders, captain Sixth Infantry, judge advocate general court-martial, Private Henry Johnson, Company D, Tenth United States Cavalry, who, being duly sworn, deposes and says:

That on or about the 14th day of November, 1869, he was sent to look for a large sorrel horse, the property of Brevet Captain R. H. Pratt, first lieutenant Tenth Cavalry, and which had been lost from the herd two days previous; that he got a Comanche Indian who could talk English to go with and assist him in the search; that they went to the Comanche camps up Cache Creek, ten or twelve miles from Fort Sill, Indian Territory, and that on inquiring they found that the horse had been picked up by the Indians in camp there, and was then in their herd about two miles away; that he was informed he could not have the horse without paying something for him, and having no money, he returned to Fort Sill and reported to Lieutenant Doyle, then in command of the company.

his
HENRY + JOHNSON.
mark.

Witness: W. W. SANDERS,
Captain Sixth Infantry, Brevet Colonel.

Sworn to and subscribed before me at Fort Sill, Indian Territory, this 26th day of July, 1870.

W. W. SANDERS,
Brevet Col. U. S. A., Capt. Sixth Infantry, Judge Advocate G. C. M.

Personally appeared before me, Brevet Colonel W. W. Sanders, captain Sixth Infantry, judge advocate general court-martial, Ka-habbe-wath, a Pene-teth-ca Comanche Indian, to me well known, who deposes and says:

That early last winter, having lost some of his horses, he was out looking for them, when, about fifteen miles up Cache Creek from Fort Sill, he discovered a large sorrel horse with a blaze face, which, on being described to him, he believes to have been the sorrel horse owned by Captain R. H. Pratt, first lieutenant Tenth Cavalry, which had been lost while on herd near Fort Sill, Indian Territory, but a short time previous. At the time first seen, the horse was standing up and badly wounded. He went back to camp and reported to Qui-ne-habbe, and the next day he and Qui-ne-habbe went to the place and found the horse dead, and upon examination found it to be an arrow wound, and, looking for tracks near, they found prints of Comanche moccasins, and concluded the horse had been killed by some Indian or Indians of that tribe. Upon further examination, we found that a clay bank-colored mare, which we recognized as belonging to Captain J. W. Walsh, Tenth Cavalry, had also been shot with arrows near by the horse.

KA-HABBE-WATH, his + mark.

Witnesses: O. H. MOORE,
Brevet Lieut. Col. and Captain Sixth Infantry.
GEO. T. ROBINSON,
Captain Tenth Cavalry.

I have faithfully and truly interpreted the foregoing.

H. P. JONES, *United States Interpreter.*

Sworn to and subscribed before me this 25th day of July, 1870, at Fort Sill, Indian Territory.

W. W. SANDERS,
Brevet Col. U. S. A., Capt. Sixth Infantry, Judge Advocate G. C. M.

CLAIM OF LIEUTENANT R. H. PRATT.

Personally appeared before me, W. W. Sanders, brevet colonel United States Army, captain Sixth Infantry, judge advocate general court-martial, the undersigned, H. P. Jones, United States Indian interpreter, to me well known, who, being duly sworn deposes and says:

That he was cognizant of the loss of Captain Pratt's horse in November, 1869; and being requested to make inquiries among the Indians for the horse, he done so, and was informed by Qui-ne-habbe, one of the chiefs of the No-co-nee Comanches, who is since deceased, and Ka-hab-be-wath, a Pene-teth-ca Comanche, that they had found a horse shot with arrows about fifteen miles above Fort Sill, which suited exactly the description of Captain Pratt's horse; that they believed the horse to have been shot by two young Cooch-cho-teth-ca Comanches, who had been in with Wow-way a few days before drawing rations. They were led to this belief by finding the trail of a small mule near, which answered the description of a mule rode by one of the young men.

H. P. JONES, *United States Interpreter.*

Sworn to and subscribed before me at Fort Sill, Indian Territory, this 25th day of July, 1870.

W. W. SANDERS,

Brevet Col. U. S. A., Capt. Sixth Infantry, Judge Advocate G. C. M.

FORT SILL, INDIAN TERRITORY.

Personally appeared before me, the undersigned, William E. Doyle, second lieutenant Tenth Regiment United States Cavalry, who, being duly sworn, deposes and says:

That on or about the 12th day of November, 1869, a horse, the property of Brevet Captain R. H. Pratt, first lieutenant Tenth United States Cavalry, was taken from its herding ground, near Fort Sill, by Indians, it being necessary at the time to herd the horses on account of the scarcity of forage. At the time the horse was taken, all the Indians attached to the Kiowa and Comanche agency were at peace with the Government. Captain Pratt was absent from Fort Sill at the time, and I endeavored to find what became of the horse. The Indians informed me that a horse answering the description of Captain Pratt's horse was at the No-co-nee camp, sixteen miles from Fort Sill. I sent a man to look for the horse, and he returned and informed me that the Indians would not let him have the horse. Shortly afterward Qui-ne-habbe, a head-man of the No-co-nee Comanches, told me that the horse was dead; that two young men of the Cooch-cho-teth-ca band of Comanches got that horse and a pony, and as they could not agree upon a division of the horses, they killed them both to prevent ill-feeling, such being the Comanche rule in those cases. Other Indians of the Pene-teth-ca band of Comanches also told me of the horse, and some of them had seen the horse in camp at Fort Sill frequently and knew that it belonged to Captain Pratt. Among the latter was a Pene-teth-ca man, named Pur-ra-hab-ey. From the time that the man came in and told me that the Indians would not let him have the horse until I heard of the horse being killed was about three weeks, I think; and during that time I was carrying on negotiations for the horse with Indians, and had offered quite a large reward for his recovery. During this time, and at the time the horse was taken, I was in command of D Company, Tenth Cavalry, of which Brevet Captain R. H. Pratt was first lieutenant.

WM. E. DOYLE,

Second Lieutenant Tenth United States Cavalry.

Witness: J. W. WALSH,
Captain Tenth Cavalry.

FORT SILL, INDIAN TERRITORY.

Sworn and subscribed to before me at Fort Sill, Indian Territory, this 26th day of July, 1870.

W. W. SANDERS,

Captain Sixth Infantry, Brevet Colonel U. S. A., Judge Advocate.

FORT SILL, INDIAN TERRITORY,

July 26, 1870.

This certifies that I was well acquainted with the qualities of the large sorrel horse belonging to Brevet Captain R. H. Pratt, first lieutenant of my company, which was lost while on herd in November last; that I considered him one of the finest animals at this post, and in my opinion two hundred dollars was beneath his value.

J. H. WALSH,

Captain Tenth Cavalry, Commanding D Company.

FORT SILL, INDIAN TERRITORY,
July 26, 1870.

LIEUTENANT: In answer to your questions I would say that I do remember well your large sorrel horse, taken by Indians at this post last fall. I do not think he could be replaced for a less amount than two hundred dollars; would have been willing to have given you that price for him at any time.

GEO. T. ROBINSON,
Captain Tenth Cavalry.

Brevet Captain R. H. PRATT,
First Lieutenant Tenth Cavalry.

FORT SILL, INDIAN TERRITORY,
July 27, 1870.

At the request of Captain Pratt, Tenth Cavalry, regarding the value of a private horse taken and killed by Indians, at or near this post, I consider him well worth two hundred dollars, and would be willing to pay said price for such a horse.

ROBERT GRAY,
Captain Tenth Cavalry.

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