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T. R. Curtis and J. H. Richmond.

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T. R. CURTIS AND J. H. RICHMOND.

MAY 2, 1872.—Ordered to be printed.

Mr. JOHN A. SMITH, from the Committee on Indian Affairs, made the following

REPORT:

[To accompany bill H. R. 547.]

The Committee on Indian Affairs, to whom was referred the bill, (H. R. 547,) with accompanying papers, for the relief of Messrs. T. R. Curtis and J. H. Richmond, have had the same under consideration, and now report :

From the statements in this case, it appears that Messrs. Curtis and Richmond were residents at Camp Supply, Indian Territory, in the year 1870, and while there, on the 29th day of May of that year, were engaged in freighting Indian goods in the service and employment of E. Draper, a licensed trader, from Camp Supply to the new agency of the Cheyenne and other tribes, and while encamped near Osage Springs, a party of Indians of the Apache tribe attacked the camp, and, among other acts of wrong, drove off sixteen mules, property of the claimants, and by them estimated at the value of \$2,900; that on the same day the same parties stole and carried away two horses belonging to the claimants, of the value of \$600; that said parties further ask to be indemnified in the sum of \$8,456.80, for the loss sustained by them in the destruction of a certain garden, embracing about forty acres of land, owned and cultivated by them at or near Camp Supply, during an attempt made by a party of Kiowa Indians to take and destroy the fort known as Camp Supply. That as an inducement to cultivate said garden, it is claimed that the commandant at the post agreed to furnish a guard for the protection of the same, and to that end did station one non-commissioned officer and four soldiers on the property, but they proved insufficient to defend and protect it at the assault made by the Indians.

The above facts, with a number of affidavits in verification of the truth of the same, are embraced in a communication entitled Ex. Doc. No. 123, addressed by the honorable Secretary of the Interior to the House of Representatives, and which is asked may be taken and considered as a part of this report.

Without inquiring into the justice of this case as presented in the papers, or determining how far all the allegations are sustained by the testimony furnished, the committee is satisfied that, as the provisions contained in the 17th section of the law regulating trade and intercourse with Indian tribes, approved June 30, 1834, were substantially repealed by section 4, of the act of July 15, 1870, making appropriations for the Indian Department, the allowance of the claim of Messrs. Curtis and Richmond would be simply an appropriation of money from the Na-

tional Treasury, not to be reimbursed out of any annuities due and payable to the Indians charged with the commission of the offense.

The committee, entertaining grave doubts as to the propriety of opening the doors of the Treasury of the Government for the liquidation and payment of all claims for depredations committed by bands or strolling parties of Indians on the western plains, and finding nothing in the equitable features of this case to distinguish it from the ordinary character of cases of wrong and violence done and performed by Indians, respectfully decline to make it a precedent in the way of special appropriation, and thereby to encourage and make successful all applications of the like character in the future.