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Letter from the Secretary of the Interior, in response to Senate resolution of January 18, 1888, relative to the claims of certain parties for cattle stolen by the Osage Indians in 1886.

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L E T T E R

FROM

THE SECRETARY OF THE INTERIOR,

IN RESPONSE TO

Senate resolution of January 18, 1888, relative to the claims of certain parties for cattle stolen by the Osage Indians in 1886.

FEBRUARY 6, 1888.—Ordered to be printed and referred to the Committee on Indian Affairs.

DEPARTMENT OF THE INTERIOR,
Washington, February 2, 1888.

SIR: I have the honor to acknowledge receipt of Senate resolution dated 18th ultimo, in words as follows:

Resolved, That the Secretary of the Interior be directed to report to the Senate all papers, information, and action thereon by the Interior Department relating to the claims of Thomas S. Brooks & Co., and of Evans, Nichols & Co., for and on account of cattle stolen from said parties by the Osage Indians on or about the month of September, 1866.

I response thereto I transmit copy of communication dated 1st instant from the Commissioner of Indian Affairs, and accompanying papers, giving such information relative to the claims as the records of his office show, wherein it is stated that the papers in question were transmitted to the Department March 11, 1886, at the request of Hon. J. H. Murphy, to be forwarded to the chairman House Committee on Claims, and have not been returned to his office.

I also inclose a copy of Department letter of March 12, 1886, to chairman Committee on Claims, House of Representatives, transmitting the papers to that committee.

The records of the Department furnish no further information on the subject.

I have the honor to be, very respectfully,

WM. F. VILAS,
Secretary.

The PRESIDENT PRO TEMPORE OF THE SENATE.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, D. C., February 1, 1888.

SIR: I have the honor to acknowledge receipt, by your reference of the 19th instant, of Senate resolution of the 18th instant, directing a report "to the Senate of all papers, information, and action by this

Department relating to the claims of Thomas S. Brooks & Co. and of Evans, Nichols & Co."

In reply thereto I have to advise that, in compliance with the request of the Hon. J. H. Murphy, this office, on the 11th of March, 1886, with letter of that date, transmitted the papers in said claims to the Department for transmittal to the honorable chairman of House Committee on Claims; and that said papers have never been returned.

In the absence of the papers in the foregoing claims the office, by referring to such memoranda and records as appear among its files, has been able to obtain only the following information:

Both claims were transmitted to the Department from the central superintendency of Indian Affairs at Lawrence, Kans., by letter of October 26, 1872, with report of Indian Agent Gibson, dated September 18, 1872, and the following affidavits in support thereof:

No. 1114, Evans, Nichols & Co., affidavits of W. C. Evans, W. G. Brooks, T. S. Brooks, R. Parks, E. F. Howell, and W. R. Kelley.

No. 1119, Thomas S. Brooks & Co., affidavits of W. C. Evans, W. R. Kelley, W. G. Brooks, and E. F. Howell.

They are for the respective sums of \$2,280 and \$640, against the Osage Indians, on account of alleged depredations in September, 1866, and were entered upon the files of the office on the 30th of October, 1872.

Said Indian Agent Gibson reported as follows:

No. 24, Thomas S. Brooks & Co., Springdale, Iowa, \$640, for loss of 16 head of beef cattle. The chiefs and head-men deny all knowledge of the alleged depredation and protest against its payment.

No. 25, Evans, Nichols & Co., Springdale, Iowa, \$2,280, for loss of 52 beef cattle and 2 horses. They deny stampeding the cattle; they say these drovers lost a great many cattle swimming them over the Arkansas River, as is frequently the case with drovers when the river is full. These men gave them some beef; they did not stampede or steal their cattle. The two horses strayed from the drovers, and the Osages found them and returned them to the drovers. They protest against the payment of this and the former claim.

By Department letters of April 14 and 17, 1874 (copies herewith), said claims were transmitted to Congress, with office letters herewith of the 13th and 16th of April, 1874, recommending in claim of Evans, Nichols & Co. an allowance of \$1,500, and in Thomas S. Brooks & Co. \$400.

Under the act of March 3, 1885 (23 Stats., p. 376), the papers were returned to the office for action in pursuance thereof, where they remained among the files until transmitted to the honorable chairman of House Committee on Claims, as above stated.

Senate resolution is herewith returned.

Very respectfully,

J. D. C. ATKINS,
Commissioner.

The SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR,
Washington, March 12, 1886.

SIR: The inclosed papers relating to claims on account of alleged depredations by Indians, furnished from the office of Indian Affairs on verbal request of Hon. J. H. Murphy, of the House of Representatives, as appears from the inclosed copy of letter of the Commissioner of Indian Affairs, are respectfully transmitted for the information of the committee.

Claims inclosed: No. 1114 (6 inclos.), Evans, Nichols & Co., \$2,280, depredation by Osages in 1866; No. 1119 (6 inclos.), Thomas S. Brooks & Co., \$640, depredation by Osages in 1866.

The Commissioner requests that his office may be advised of the receipt by the committee of these papers.

Very respectfully,

H. L. MULDROW,
Acting Secretary.

The CHAIRMAN COMMITTEE ON CLAIMS HOUSE OF REPRESENTATIVES.

DEPARTMENT OF THE INTERIOR,
Washington City, April 14, 1874.

SIR: In compliance with the terms of the 7th section of the act approved May 29, 1872, entitled "An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June 30, 1873, and for other purposes," I have the honor to transmit herewith the claim of Thomas S. Brooks & Co., amounting to \$640, for compensation on account of depredations committed by Osage Indians.

A letter (copy inclosed) dated the 13th day of April, 1874, from the Commissioner of Indian Affairs, reporting the nature, character, and amount of said claim, is accompanied by the evidence presented in support thereof, and shows the action taken by that officer under the rules and regulations prescribed by this Department for the investigation of such claims; all which is respectfully submitted for the consideration of Congress as contemplated by said 7th section of the act aforesaid.

Very respectfully, your obedient servant,

C. DELANO,
Secretary.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, D. C., April 13, 1874.

SIR: I have the honor to submit herewith a claim of Thomas Brooks & Co. for \$640, on account of a depredation alleged to have been committed in 1866 by Osage Indians.

Mr. Brooks sets forth in an affidavit that in the fall of 1866 he was engaged with other persons in the business of "driving cattle from Texas to Saint Joseph, Mo., under the firm name of Thomas S. Brooks & Co.," and that in September of that year the Osage Indians known as "Black Dogs" and "Little Bears" bands, killed and captured sixteen head of their cattle while on their way through the Indian Territory, which are valued, as above, at \$640.

Several witnesses in the employ of claimants give very clear and positive evidence in confirmation of their statements, but the agent reports that the Indians in council deny that they took the cattle, but that many were lost when forced to swim across the Arkansas River. It is believed, however, from the strong averments made by the witnesses, that the fact of the depredation is established, and that the number of cattle killed and captured is correctly stated, but that their value is overestimated.

I would respectfully recommend that claimants be allowed \$400, estimating the 16 cattle at \$25 per head.

The depredation took place in September, 1866, and the claim was not filed in this office until October, 1872, and is therefore barred by the act of June 30, 1834.

Very respectfully, your obedient servant,

EDW. P. SMITH,
Commissioner.

The SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR,
Washington City, April 17, 1874.

SIR: In compliance with the terms of the seventh section of the act approved May 29, 1872, entitled "An act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1873, and for other purposes," I have the

honor to transmit herewith the claim of Evans, Nichols & Co., amounting to \$2,280, for compensation on account of depredations committed by Osage Indians.

A letter (copy inclosed) dated the 16th day of April, 1874, from the Commissioner of Indian Affairs, reporting the nature, character, and amount of said claim, is accompanied by the evidence presented in support thereof, and shows the action taken by that officer under the rules and regulations prescribed by this Department for the investigation of such claims.

All which is respectfully submitted for the consideration of Congress, as contemplated by said seventh section of the act aforesaid.

Very respectfully, your obedient servant,

C. DELANO,
Secretary.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, D. C., April 16, 1874.

SIR: I have the honor to submit herewith a claim of Evans, Nichols & Co. for \$2,280, on account of depredations alleged to have been committed by Osages in 1866.

William C. Evans alleges in his affidavit that he was a partner with George P. Nichols and P. R. Evans, under the name of Evans, Nichols & Co., "engaged in driving beef cattle from the State of Texas to Saint Joseph, Mo.," and that on the 7th of September, 1866, while passing through the Indian Territory with a herd of cattle, a party of Indians of "Black Dog's" band of Osages stampeded the herd and killed and captured 52 head, which were an entire loss to the company, and which he values at \$2,080. He also avers that a few days thereafter a party of the same band took from them 2 horses which were not recovered, and which are valued at \$100 each. The Indians in council deny that they took the cattle, but state that many were lost in fording the Arkansas River. They also state that the 2 horses were returned.

The evidence is quite clear and explicit in regard to the loss of the stock and particulars given by several witnesses who were cognizant of the depredation.

The statements of Mr. Evans are confirmed both as to the number of cattle lost, and also as to the loss of the 2 horses. There is no evidence in the case to show that the Indians restored the latter, and it is believed that claimants have established their right to indemnity; and I would therefore respectfully recommend that they be allowed \$1,500, estimating the 52 cattle at \$25 each, and the 2 horses at \$100 each.

The depredation took place in September, 1866, and the claim was not filed in this office until October, 1872, and is therefore barred by the act of June 30, 1834.

Very respectfully, your obedient servant,

EDW. P. SMITH,
Commissioner.

The SECRETARY OF THE INTERIOR.