

INDIAN DEPREDATIONS—INDEMNITY.

MARCH 3, 1855.—Laid upon the table, and ordered to be printed.

Mr. EASTMAN, from the Committee on Indian Affairs, made the following

REPORT.

The Committee on Indian Affairs, to whom were referred the petition and claims of certain citizens of the State of Texas, for depredations alleged to have been committed by the Comanche and other Indian tribes on the borders of said State, report:

That after a full and thorough investigation of the said claims, and a conference with the Commissioner of Indian Affairs on the subject, they are of the opinion that they are not well founded, and ought not to be allowed or paid, for the reasons, among others, stated in the following letter from the Commissioner of Indian Affairs relative to them.

DEPARTMENT OF THE INTERIOR,
Office Indian Affairs, January 30, 1855.

SIR: I have the honor to return herewith the petition and other papers relating to certain claims to indemnity for losses sustained by Indian depredations in Texas, which were enclosed in your letter of the 10th instant, and, in compliance with your request, I submit the following statement.

The only provision for claims of this description is contained in the act of June 30, 1834, to "regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers."—Statutes at Large, vol. 4, page 729. The first section of that act defines what is Indian country, and the 17th specifies the circumstances under which claims for Indian depredations shall be recognised and paid. They must have been committed within the "Indian country," upon the property of persons lawfully there, or in a State or Territory inhabited by citizens of the United States, by Indians from within the limits of the Indian country, and in all cases by Indians in amity with the United States. The 17th section further prescribes the course of proceeding which must be adopted by the claimants, as well as by the proper officers of the government, in such cases.

No portion of Texas being within the Indian country, no such depredation upon her soil would come within the law, unless committed by Indians from within the Indian country, which was not the case with respect to that claimed for by M. Soligson & Sons, whose account and papers were transmitted by you, as a specimen of other cases pending before the committee, a list of which also accompanied your letter. The depredation in the case of those gentlemen was, as they allege, committed by Lipan Indians, who reside in Texas, and not in the Indian country. They have, consequently, no more ground for a valid claim against the United States than citizens of New York or Michigan would have for depredations committed by any of the Indians residing within the limits of those States, no portion of whose territory is within the "Indian country." Were the case different, however, Soligson & Sons have not pursued the course required by the trade and intercourse law, and the evidence in support of their claim, besides being wholly *ex parte*, is mainly based upon "hearsay."

You will perceive that I have thus confined myself to a brief statement of the bearing of the existing law on the subject of Indian depredations with reference to those committed in Texas. I do not feel at liberty to express an opinion in regard to any equitable right, if any such exists, which the citizens of that State may have to indemnification in such cases, arising out of the circumstances of her admission into the Union, the large number of Indians within her limits, her defenceless condition against their predatory habits, and the general obligation of the United States to protect their citizens from Indian depredations and outrages.

There is one thing, however, which I should not omit to state in this connexion. Texas having retained all her lands, and the exclusive jurisdiction over them, it was impossible for the United States to exercise any supervision over the trade and intercourse with her Indians, or the necessary control over the latter, to prevent difficulties between them and the citizens of the State. Under these circumstances, it was not in the power of the government to manage our Indian relations there in as efficient a manner as it might otherwise have done. It was therefore in a position not to be held responsible for any difficulties or depredations which may have arisen out of such a state of things, which was made known from year to year through the annual reports of this office, and the necessity urged of Texas setting apart a district of country for the location and residence of her Indians, and the cession of sufficient jurisdiction over it to enable the government to manage them, and the trade and intercourse of the whites with them, in a more efficient and proper manner. It was not till last year that Texas consented to, and made provision for, such an arrangement.

Very respectfully, your obedient servant,

GEO. W. MANYPENNY,

Commissioner.

HON. BEN C. EASTMAN,

Of the Committee on Indian Affairs, Ho. of Reps.

List of the claimants and amounts of losses alleged to have been sustained by depredations of the Comanche and other Indians within the State of Texas.

| | |
|--|-----------|
| John J. Ashe..... | \$280 00 |
| Joséph and William Ashe..... | 350 00 |
| Lino Barsena..... | 7,575 00 |
| John B. Berry..... | 125 00 |
| Andrew J. Berry..... | 250 00 |
| James A. Burke..... | 150 00 |
| Sarah Bryant..... | 6,440 00 |
| Matthew Brown..... | 600 00 |
| Daniel Brister..... | 1,300 00 |
| James Spears Bourland..... | 320 00 |
| Thomas A. Cabban..... | 100 00 |
| John Corrigan..... | 165 00 |
| John C. Clements..... | 400 00 |
| Thomas Cawlfieid..... | 450 00 |
| Benjamin Cox..... | 200 00 |
| H. Clay Davis..... | 4,805 00 |
| Jesus Diaz..... | 16,375 00 |
| M. Fulcerod..... | 80 00 |
| José Maria Garcia, guardian of Ysidora Garcia..... | 2,945 00 |
| Justo Garcia..... | 5,492 00 |
| Tibuzia Garcia..... | 240 00 |
| José Maria Garcia..... | 7,340 00 |
| Padro Garcia..... | 11,000 00 |
| Lorenzo Garcia..... | 2,121 00 |
| Francisco Gomez..... | 9,800 00 |
| Samuel C. Jones..... | 1,375 00 |
| H. L. Kinney..... | 15,085 00 |
| Josiah A. Kuykendall..... | 300 00 |
| Mark C. Kuykendall..... | 835 00 |
| Assencio La Cruz and J. W. Moses..... | 2,095 00 |
| Estate of Andrais Longorio..... | 200 00 |
| Cicilio Lopez..... | 199 00 |
| Cicilio Lopez..... | 615 00 |
| Assencio La Croise..... | 2,095 00 |
| Joseph Lee..... | 160 00 |
| Tyrey Mussett..... | 1,340 00 |
| Alfred G. Murry..... | 100 00 |
| J. H. Polly..... | 785 00 |
| Claiborne Rector..... | 200 00 |
| Samuel Rhine and brothers..... | 10,058 00 |
| Bicente Ramirez..... | 1,300 00 |
| R. E. Sutton..... | 300 00 |
| Mary Ann Shaw..... | 550 00 |
| M. Soligson and sons..... | 1,400 00 |
| Archibald Smeathers..... | 80 00 |
| Elijah E. Step..... | 150 00 |
| Joseph Turman..... | 60 00 |
| Nessonuena Villemal..... | 540 00 |

INDIAN DEPREDACTIONS.

| | |
|------------------------|-------------|
| Francisco Valdies..... | \$875 00 |
| John Williams | 225 00 |
| John H. Wood..... | 2,080 00 |
| K. H. Williams..... | 465 00 |
| | <hr/> |
| | 122,370 00 |
| | <hr/> <hr/> |