

C. W. DENTON.

LETTER

FROM THE

SECRETARY OF THE INTERIOR,

RELATIVE TO

The claim of C. W. Denton for depredations committed by Indians in Oregon from 1854 to 1860.

JANUARY 25, 1872.—Referred to the Committee of Claims and ordered to be printed.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., January 25, 1872.

SIR: The claim of C. W. Denton for depredations committed upon his property by Indians in Oregon from 1854 to 1860 is herewith submitted for the consideration and action of Congress, under the fourth section of the act making appropriations for the Indian Department, approved July 15, 1870, (Statutes at Large, vol. 16, p. 360.)

A copy of a report of the Commissioner of Indian Affairs, dated the 12th of April, 1871, in relation to the claim, is also herewith transmitted.

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., April 12, 1870.

SIR: On the 28th December last the Hon. G. H. Williams filed in this office a claim of Charles W. Denton, amounting to \$25,000, for the occupancy and use of his land, and the destruction of timber thereon, near the Dalles, Oregon—upon which he had settled in 1853, under an act of Congress of 27th September, 1870, known as the donation-law of Oregon—by “a large number of Indians,” placed there by United States authorities.

The testimony adduced in the case, in the judgment of this office, appears to sustain the statement of the claimant as to the fact of his property having been occupied by certain Indians, and that he sustained

some loss by their using and destroying a part of his timber, and by their presence preventing him from cultivating his land. The loss is estimated by himself, and most of those persons who testify in the case, to be from \$4,000 to \$6,000 each year, from the time the Indians were brought to his place until they were removed therefrom, viz, from 1854 to 1860.

I have the honor herewith to submit the case for your consideration, with the remark that if it be regarded as a claim in the nature of a depredation by Indians, to which the seventeenth section of the law of June 30, 1834, regulating trade and intercourse with Indian tribes, is applicable, then it is barred by the limitation clause in said section, not having been submitted to the Department within three years after the act of depredation; and I would further remark that, if the case were not barred, it would be impracticable for the Department to direct the usual course to be taken to have the claim presented to the Indians in council with a demand upon them for satisfaction, for the reason that the name of the tribe or tribes to which the "large number of Indians" referred to by claimant belong is not given.

I recommend that the claim be laid before Congress for the action of that body.

Very respectfully, your obedient servant,

H. R. CLUM,
Acting Commissioner.

Hon. C. DELANO,
Secretary of the Interior.

CLAIM OF CHARLES W. DENTON.

To the Hon. Commissioner of Indian Affairs, Washington City, D. C.:

I beg leave to present for adjustment, and payment if found proper, an account against the United States, growing out of the relations of the Government with the Indian tribes in Oregon. The accompanying affidavits will show the nature of the claim and the reason why the claim and proof are submitted now. The claim is this:

UNITED STATES OF AMERICA,

To CHARLES W. DENTON, DR.

To use and occupation by the Indians of eastern Oregon of the lands of Charles W. Denton from 1854 to 1860, by authority of the Government or its agent, and for fire-wood and waste of timber from said lands by the Indians during said years, at \$5,000 per year..... \$25,000

CHARLES W. ^{his} + DENTON.
mark.

DALLES CITY, WASCO COUNTY,
State of Oregon, September 30, 1870.

DONATION.

Certificate No. 3771. Notification No. 8019.

Whereas, in conformity with the provisions of the seventh section of the act of Congress approved September 27, 1850, entitled "An act to create the office of surveyor general of the public lands of Oregon, and to provide for the survey, and to make donations to settlers of the public lands," and the amendments thereto, Charles W. Denton, of the county of Wasco, in the State of Oregon, claiming a donation right, in virtue of the act aforesaid, to the following tract of public lands, known and designated in the surveys and plats of the United States as the claim No. 42, being a part

of sections 5 and 8, in township 1 north, range 13 east, bounded and described as follows: beginning at a point 13.77 chains east and 6.07 chains north of the southeast corner of said section 5; thence south 69.50 chains; thence east 16.29; thence north 22.30 chains; thence east 43.56 chains; thence north $0^{\circ} 14''$ west 47.42 chains; thence west 59.85, to the place of beginning, containing 329.51 acres, the east half to Charles W. Denton, and the west half to Elizabeth Denton, his wife; having proven to the satisfaction of the register and receiver of the Willamette district, Oregon, the fact that such settlement was commenced on the 1st day of August, 1854, four years prior to the date hereof; and having, in pursuance of the requirements of the seventh section of the act aforesaid, established by two disinterested witnesses the fact of continued residence and cultivation, by the said act: Now, therefore, be it known that we, Owen Wade and Henry Warren, register and receiver of public lands in said district, do hereby, and pursuant to the seventh section of the act aforesaid, certify to the Commissioner of the General Land-Office the facts aforesaid, accompanied by the evidence therefor, in order that a patent may be issued to said claimant for the tract of land described as required by the seventh section of the act aforesaid: *Provided*, That the said Commissioner shall find no valid objections thereto.

Given under our hands at the land-office, at Oregon City, Oregon, this 24th day of August, 1870.

OWEN WADE, *Register*.
HENRY WARREN, *Receiver*.

UNITED STATES LAND-OFFICE, *Oregon City, Oregon* :

I, Owen Wade, register of said land-office, hereby certify that Charles W. Denton, of Wasco County, Oregon, filed his notification on unsurveyed land under the act of Congress of September 27, 1850, and amendments thereto, known as the donation law of Oregon, on the 17th day of February, 1855; that he filed his final notification after survey of land; and that he made his final proof under date of February 16, 1860, as appears by the records of this office, said claim being parts of sections 5 and 8, in township 1 north, range 13 east.

Given this 24th day of August, 1870.

OWEN WADE, *Register*.

STATE OF OREGON, *County of Wasco, ss* :

I, Charles W. Denton, being duly sworn, do say I am a white citizen of the United States, born in the State of Virginia, in Montgomery County, in the year 1833, and married on the 1st day of January, 1852; that I have been a resident of Wasco County, State of Oregon, since July 23, A. D. 1852. In February, 1853, I staked off a land claim in the now said county on unsurveyed land, under the donation-land law of Congress passed September 27, 1850, and have resided upon, cultivated, and held the same ever since; that the said claim lies on Mill Creek, the north line of the claim being about one-quarter of a mile southwest of the line of the United States military reservation of Fort Dalles, in township 1 north, range 13 east, according to the United States surveys of Oregon, and is about two miles from the city of Dalles, in said county; that my donation claim is No. 8019 in order of notification; that I made final proof of residence and cultivation in the land-office of Oregon, as will appear from the papers certified by the land-office department at Oregon City and annexed hereto, together with copy of certificate of donation claim; that after commencing my residence upon said claim, to wit, in the year 1864, during the months of September and October, Sergeant Dougherty, of Company K, of the Ninth United States Infantry, as I believe, brought and placed upon my claim a large number of Indians, then under charge of the United States authorities; that previous to the bringing of such there had been a talk and agreement between the United States authorities and the Indians near the Dalles, and immediately after the outbreak of hostilities by the Indians and the death of Agent Bolon, these Indians were brought upon my claim and left there as stated; and from that time until the summer of 1855 more were brought, and others of the peaceable Indians came, until the number amounted to between seventy-five and one hundred lodges, averaging, perhaps, from four to seven persons to each lodge; that these Indians were brought and left upon my land claim against my consent, expressed to Colonel Wright, then commanding at Fort Dalles. He stated to me that it was necessary to have the Indians somewhere under control, and stated that I would certainly be paid for all inconvenience and damages; that these Indians occupied all the tillable ground in my place, both that then fenced and that which I had not yet inclosed, but which I had made preparations to fence; that they, in a measure, tilled portions of it and entirely put it out of my power to use the same; their horses and themselves prevented any profit to me in the use in any way of all the available parts of my land claim; that they remained there until the

spring of 1860, when the United States authorities removed them to the Indian reservations, mostly to Warm Springs reservation; that during all of said time the Indians so located obtained their fire-wood off my claim, and cut and destroyed by far the greater portion of timber growing on my claim before and during the years of said occupation; that during said time the Indians drew rations and supplies from the United States Government, and were under the care and protection thereof; that said claim is now and was then of great value as a garden and farm, and the timber of great value, being easy of access, and near to the Dalles as a place of market; that it was easy of irrigation, and as valuable for raising of vegetables and crops as any piece of land in Wasco County, and has been by me, ever since 1860, used extensively for such purposes; that I intended, in 1853, to apply it to such purposes, but was prevented from so doing by the presence of those Indians; that the use of said land during said years would have been of great value, in part because it was not safe during some of said years to live at any great distance from a place of safety, and in part because of the difficulty in getting lands ready for such uses, and in part because a market for the sale of products existed close by; that the use of said land from 1854 to the spring of 1860 was well worth the sum of from \$5,000 to \$6,000 per year, including the timber cut down, used, and destroyed by the Indians during their stay; that the timber so used was well worth one-fifth of the amount claimed; that the whole value of use of land and timber by the Indians, and my deprivation thereof during said time, was well worth the sum of \$26,000; that the said amount is justly due me from the United States; that I have received no pay whatever therefor; that I made out papers therefor, with proofs thereof, in 1860 or 1861, and intrusted them to William H. Farrar, our attorney of the supreme court of the State of Oregon, who took them to Washington City, and I supposed had taken the necessary steps to procure the allowance of my claim, or the adjustment of it. Upon his death, which occurred some two years ago, I made inquiry of my business, and can find no trace of any steps having been taken by him in any of the Departments at Washington, nor can I find the papers then made out, not having access in any way to the papers belonging to his estate, he having died in the Eastern States. I further state that said sums are justly due me as stated; that if I had been allowed to occupy and till my land during the time from 1854 to 1860 I would now have a far more valuable land claim than it is, since my orchards, now the best in this county, would have been far superior to what they are, and my tillage and profits from my land much increased. From 1855 to 1864, potatoes would average in price 5 cents per pound, and other vegetables in proportion; fruit from 10 cents to 12 cents per pound; and wood \$8 and \$10 per cord, for same time.

his
CHARLES W. + DENTON.
mark.

Sworn and subscribed before me this 3d day of September, 1870.

[SEAL.]

E. B. COMFORT,
Notary Public in and for said County and State.

STATE OF OREGON, *County of Wasco, ss :*

I, Milo M. Cushing, being duly sworn, do say that in 1854-'55 I was a sergeant of Company K, Ninth United States Infantry, and was stationed at the Dalles, Wasco County, Oregon; that I was then acquainted with Charles W. Denton, and with the land claim on which he then resided and on which he continues to reside, and have known it well ever since 1854; that in 1854, in the fall, the United States troops here were engaged in collecting the friendly Indians and placing them where they could be controlled, preparatory to the war which followed; that in the fall of 1854 and spring of 1855, a large number of Indians were so collected and placed upon Denton's land claim; that they remained there until the spring of 1860, and while there occupied all the available tillable ground belonging to him; that it prevented Denton from improving that land or using it; that the Indians, while there, cut and destroyed the timber growing on that claim to a great extent; that the occupation of those premises, as had by the Indians, and the depriving Denton of the chance of improving and rendering his land valuable, and the loss of the timber, was worth from \$4,000 to \$6,000 per year; that said farm was especially valuable as a place that would easily produce such articles as would find a ready sale in the market at the Dalles; that it is now almost wholly a vegetable and fruit farm, and that Denton was much damaged by the delay in getting his farm in a good condition; that when prices for fruit and vegetables were at the highest, he had been unable, on account of the use and occupation of the land by the Indians, to have orchards in readiness or his land reduced to cultivation; that the Indians, while on his place, were in part sustained by rations and provisions given them by United States authorities; were moved there by same authority, and were moved away in 1860 by the

same to the reservations, principally the Warm Spring reservation; that the number of Indians on Denton's place during the years from 1854 to 1860 would average between seventy-five and one hundred lodges, and would number three hundred or four hundred people, and were possessed of large bands of horses running there; that I have been fully cognizant of the facts stated above, having been, ever since 1854, in the immediate vicinity of Mr. Denton's, and having been in the service of the United States part of the time, and knowing to the bringing there and caring for said Indians; that I have no interest whatever in Mr. Denton's claim against Government, either immediately or remotely. I am a citizen of the United States, over twenty-one years of age, and a resident in Wasco County. From 1855 to 1864, potatoes would average in price 5 cents per pound, and other vegetables in proportion; fruit 10 cents per pound, and wood \$8 and \$10 per cord.

M. M. CUSHING.

Sworn and subscribed before me this 3d day of September, 1870.

[SEAL.]

E. B. COMFORT,

Notary Public in and for said County and State.

STATE OF OREGON, *County of Wasco, ss:*

I, Polhemus Craig, being first duly sworn, do say I am a citizen of the United States, over twenty-one years of age; that I was, in 1852 and until 1855, hospital steward at Fort Dalles, in Wasco County, and since that latter date have resided at the Dalles; that I am well acquainted with Charles W. Denton, and have been so since 1852, and for nearly the same time have well known the land claim which he took up in 1853, and has resided on ever since. In 1854 the United States troops at Fort Dalles brought a great number of friendly Indians and placed them on Mr. Denton's farm; this was just at the eve of the outbreak of the Indian war: Other Indians were afterward gathered to the same place, and until the spring of 1860 they occupied all the agricultural ground belonging to Mr. Denton; there must have been between fifty and one hundred lodges, and about three hundred persons of them. The place was not more than one-half mile or so from the barracks; and I well know of their living there, and of the times of coming and going. These Indians had large bands of horses running there. They so occupied the land that Mr. Denton was wholly unable to use it or to improve it for future value. During those years vegetables and fruit bore very high prices, and it was desirable to start orchards early. Mr. Denton was unable to do so previous to 1860, since which time he has made valuable orchards, and prepared his farm to be valuable as a vegetable and fruit farm. The Indians cut down and destroyed the greater portion of the timber then growing on Denton's place, which was then, and would be now, very valuable, being so near a market and so easy of access. There are probably no places so well situated as his for being speedily made valuable in early times of settlement here. Judging from the land, its location, the loss of timber, the deprivation of Mr. Denton in early reducing his land to tillage, and early improvement, it was worth to him, or was a damage to him, of from \$4,000 to \$6,000 per year during the time the Indians were there. They left in 1860, in the spring. While on his place they were under charge of United States authorities. I have no interest, present or prospective, in this claim of Mr. Denton's against the Government. From 1855 to 1864, wood would average in price \$8 per cord; fruit 10 cents per pound, and vegetables proportionally high.

POLHEMUS CRAIG.

Sworn and subscribed before me this 3d day of September, 1870.

[SEAL.]

E. B. COMFORT,

Notary Public in and for said County and State.

STATE OF OREGON, *County of Wasco, ss:*

I, John P. Booth, being duly sworn, do say that I came to the Dalles in 1855, and was at Mr. Denton's place shortly after my arrival, and found the Indians occupying his land claim, being then with bands of horses. I have lived in and near the Dalles ever since, and was in 1855 over twenty-one years of age. There must have been two hundred or three hundred Indians there, with many lodges and large bands of horses; they occupied all the farming land of Mr. Denton's place, and it was not possible for him to use or improve it. His farm would then have been very valuable, as it was so easy to irrigate, and so well situated for a vegetable and fruit farm, to which purposes he has always appropriated it. During the years from 1855 to 1860 vegetables and fruit bore very high prices here, and large profits could have been and were made on

these things here. I know the Indians cut down and destroyed large quantities of the timber growing on his land at that time. I should estimate that Mr. Denton suffered great damages by the appropriation of his land by the Indians during those years, including use of land, destruction of timber, and loss from the deprivation of using and improving the land for vegetables and fruit, and it was, in my judgment, worth from three to five thousand dollars per year for the time the Indians were there. I have no interest whatever in the claim of Mr. Denton against the United States, but being cognizant of the facts stated, and knowing as I do considerable about the business of starting and carrying on a fruit and vegetable farm, at his request I make this statement.

J. P. BOOTH.

Sworn and subscribed before me this 3d day of September, 1870.

[SEAL.]

E. B. COMFORT,

Notary Public in and for said County and State.

STATE OF OREGON, *County of Wasco, ss :*

I, Francis A. Smith, being first duly sworn, do say that I was at the Dalles first in 1852, and going away, I returned there in 1855, since which time I have lived in and about the Dalles continuously. In 1855 I found a large band of Indians occupying the fields and lands of Denton, covering over all the agricultural land, and having large bands of horses; there must have been at least two hundred there all the time until they were removed in 1860. They cut down, used, and destroyed the greater portion of the timber then growing on said farm, which was very valuable, being easy of access; that Denton was prevented from planting orchards or getting his land in good cultivation for a fruit and vegetable farm until 1860; that he has since made it very valuable as such; that during those years, and in 1860, and for some years after that, fruit bore a very high price, and an orchard then would have been more valuable than now. Denton's place is unusually convenient and fitted for such purposes, being easily irrigated and close to market and shipping facilities. Judging from the loss of time in improving his land in its use and occupation by the Indians, and the waste of timber by them, I think it was well worth to Denton from four to six thousand dollars per year while they stayed there. In this country everything depended upon getting a start in supplying the market with fruit and vegetables. I have no interest, either present or prospective, in this claim of Mr. Denton's against the United States Government.

his
FRANCIS + A. SMITH.
mark.

Sworn and subscribed before me this 3d day of September, 1870.

[SEAL.]

E. B. COMFORT,

Notary Public in and for said County and State.

STATE OF OREGON, *County of Wasco, ss :*

I, Edward Crate, being duly sworn, do say I am a citizen of the United States, over the age of twenty-one years; that I have resided at and near the Dalles ever since 1852, and have known Mr. Denton all that time, and am well acquainted with the land claim he took up in 1853 or 1854, and on which he now resides; that it is one of the best farms in eastern Oregon for fruit and vegetables, to which purposes Mr. Denton has ever, as far as possible, appropriated it; that fruit and vegetables bore a very high price here from 1854 to 1865, and his farm could have been well fixed in from two to three years for affording good supplies. I know that from 1854 to 1860 there were large numbers of Indians brought and kept upon Denton's land by the United States authorities, and that these Indians had large bands of horses, and that they occupied all the tillable land on Denton's farm. There must have been from two hundred to four hundred Indians; at times more, at others less. I know that they cut down and destroyed almost all the available growing timber on Denton's place then growing there. If I were to judge of the damages suffered by Denton in being deprived of the use of his land, and the chance of improving the same in orchards and gardens, as he has since done, and on the loss and destruction of timber, I should put his damages at from four to six thousand dollars per year during that time. I am not in any way, either immediately or remotely, interested in Mr. Denton's claim against the Government. Being a long resident here I am well acquainted with all the facts.

his
EDWARD + CRATE.
mark.

Sworn and subscribed before me this 3d day of September, 1870.

[SEAL.]

E. B. COMFORT,

Notary Public in and for said County and State.

STATE OF OREGON, *County of Wasco, ss :*

I, Gordon H. Palmer, being duly sworn, do say I am a citizen of the United States, over the age of twenty-one years; that since 1852 I have been a resident of the Dalles, or of Wasco County, up to 1860; that I have known Charles W. Denton ever since 1852, and have well known the land claim he took in 1853 or 1854, and on which he now resides. In 1854, and the spring of 1855, I know a large number of Indians, perhaps from two to four hundred, with their large bands of horses, were gathered, and, as I understood, by United States authority placed on Denton's land, where they remained until about the spring of 1860. These Indians covered over and occupied with their lodges and horses all the available tillable ground on Mr. Denton's place. He could not set out orchards or cultivate the ground. He did, at the earliest moment, plant orchards and reduce his place to the condition of a fruit and vegetable farm, but not until after the Indians left. The best years for fruit and vegetables, so far as sale and price is concerned, was from 1857 to 1864, and an orchard set out so early as 1855 would have been very valuable by 1860. These Indians cut down and used all the wood they required while there off of Denton's place, and destroyed much more of the timber. I should estimate that Denton had sustained damage from four to six thousand dollars per year from the presence of the Indians, for these reasons: his land was so occupied that he could not use it for the time being, nor get it ready for use at times when it would have been of great profit to him; his timber was destroyed, and this was valuable for the reason of its being near a market and easy of access. I cannot state the item and value of each, but judge from my general knowledge of such things and from what I know. I am not interested in his claim at all.

G. H. PALMER.

Sworn to and subscribed before me, at Dalles City, Oregon, this 10th day of September, 1870. Witness my hand.

[SEAL.]

E. B. COMFORT,
Notary Public in and for said County and State.

STATE OF OREGON, *County of Wasco, ss :*

I, Jean Mesplie, being duly sworn, do say I am a citizen of the United States, over the age of twenty-one years, and have resided at the Dalles, and in the vicinity, most of the time since 1854, and have all that time well known Charles W. Denton, and the land claim upon which he has lived since that time. I know that in 1854 and 1855 a large number of Indians were gathered, as I understood, by United States authority, and placed upon the lands of Mr. Denton, and kept there until about the spring of 1860; that during those years these Indians, numbering somewhere about two or three hundred, with large bands of horses, occupied all the good farming land on Denton's place, preventing him from using it, or from planting any orchards, or making any gardens there. Denton's farm is peculiarly good for fruit and vegetables, and as soon as possible he has made it wholly such a farm, but could not do so until after the Indians were taken away. The sooner a person could get an orchard in bearing here the better, for prices for fruit were far higher from 1857 to 1864 than at any other time since, and the same with vegetables. I know the Indians cut and used fire-wood off of Denton's place, and destroyed a great portion of the timber on his place. Wood was very high from 1856 to 1865, and his place was easy of access, and his timber valuable. Judging from the prices here for such things, and the necessity of getting orchards and gardens ready, I should say that Denton suffered damages while the Indians were there at least to the sum of four or five thousand dollars each year. I have no interest in the claim of Denton whatever, either present or prospective.

JEAN MESPLIE.

Sworn and subscribed before me this 3d day of September, 1870.

[SEAL.]

E. B. COMFORT,
Notary Public in and for said County and State.

STATE OF OREGON, *County of Wasco, ss :*

I, Cornelius McFarland, being duly sworn, do say that I have lived at and about the Dalles ever since 1853; that I am a citizen of the United States, and am over twenty-one years of age. I have known Charles W. Denton and the land claim on which he has resided since the first time I came here. I was engaged in work connected with providing for the garrison at Fort Dalles in 1854 and 1855, and know that a large number of Indians, with large bands of horses, were gathered up there by the United States authorities and placed on Denton's land, occupying about all the available land

on his farm, and he was prevented from using the same, or planting out orchards or making gardens. He has, as soon as possible, made his farm wholly a fruit and vegetable one, but was unable to do so before the Indians were removed in 1860. His farm is now a very valuable one, and might have been much more valuable if the orchards had been set out early and been bearing as early as possible, since the prices for fruit and vegetables was four-fold greater from 1857 to 1864 than now. The Indians cut down and destroyed much timber then growing on Denton's farm. I should think there were two hundred Indians so located. Judging from the prices of fruit, vegetables, and wood, and from the detention and use of the land, and the inability of Denton to use it early, I should think that he must have been damaged each year from three to five thousand dollars while the Indians were there. Mr. Denton's farm is very near to the market here, and to the shipping point on the Columbia, and was easy of access for cultivation, for timber, and for early being made valuable as a farm. I have no interest whatever in his claim against the Government.

C. McFARLAND.

Sworn and subscribed before me this 3d day of August, 1870.

[SEAL.]

E. B. COMFORT,

Notary Public in and for said County and State.

STATE OF OREGON, *County of Wasco* :

I, Lewis P. Henderson, being duly sworn, do say I am a citizen of the United States, more than twenty-one years of age, and have been a citizen of Wasco County almost wholly since 1853; that all that time I have known Charles W. Denton, and well know the land claim he located about 1854, and upon which he has ever since resided. It is extremely well adapted to being made valuable as a fruit and vegetable farm, and has been wholly so applied by Mr. Denton. It is close to market, easy of irrigation, and of very fertile soil. In 1854 and 1855 I know large numbers of Indians, with their horses, were gathered by the United States troops and put upon Denton's land, where they stayed until 1860; that they occupied all his tillable land, and he was wholly deprived of using the same or of planting out orchards or making gardens. The value of a farm here depended upon the early time it could be prepared for raising fruit and crops, for the prices of these articles were three or four times greater from 1856 to 1864 than now. Mr. Denton was unable to prepare his farm thus until after the Indians were removed in 1860, thus losing the most valuable years for his business. The Indians cut and destroyed much of the timber then growing on his place, and this would have been a source of great revenue to him, for wood has borne a very high price during the years from 1855 to 1860—at times as high as \$8 or \$10 per cord. Judging from the prices of produce, wood and fruit, and the detention and use of the land, and the deprivation of so using it by Mr. Denton, I should think he has been damaged from four to six thousand dollars per year while the Indians were there. I have no interest whatever in his claim. I am a farmer.

L. P. HENDERSON.

Sworn and subscribed before me this 6th day of September, 1870.

[SEAL.]

E. B. COMFORT,

Notary Public in and for the County and State aforesaid.

STATE OF OREGON, *County of Wasco*, ss :

I, James M. Thomas, being duly sworn, do say that I am a citizen of the United States, over twenty-one years of age, and have resided at and in the vicinity of the Dalles ever since 1854. I have known Charles W. Denton well all that time, as also his land claim, which he located about 1854, and has resided on ever since. It is unusually fitted for a fruit and vegetable farm, being on the Mill Creek bottoms, easy of irrigation, very fertile in soil, and within two miles of the city of Dalles, and the shipping point on the Columbia River. That the earlier such a place could be made ready for such business, by setting out orchards and making gardens, the better here, for prices for fruit and vegetables from 1856 to 1864 were about four-fold what they have been since, and an orchard planted in 1855 would have been valuable in 1858, and very valuable by 1861. In 1854 and 1855 I know large bands of Indians were placed upon Denton's land, as I understood, by United States authorities. These Indians had large bands of horses and occupied all the available garden lands on Denton's farm. He was entirely prevented by their being there from setting out

orchards or making gardens, or improving his ground, and was only able to do so after 1860, the time of the removal of the Indians. He has now made his farm extremely valuable for fruit and vegetables. While there the Indians cut down, used, and destroyed vast quantities of timber then on Denton's land. I should suppose there were from two to three hundred Indians collected there all the time. Judging from the value of Denton's place, being near a market for produce, wood, and fruit, from his being deprived of the use of his land, or the privilege of improving it, from the prices of articles of produce, &c., and from the waste of timber, I should say that Mr. Denton suffered heavy damage, at least five thousand dollars each year the Indians remained there. I am in nowise interested in this claim of Mr. Denton. My business is that of a laboring man.

JAMES M. THOMAS.

Sworn and subscribed before me this 3d day of September, 1870.

E. B. COMFORT,

Notary Public in and for said County and State.

STATE OF OREGON, *County of Wasco, ss :*

I, Peter Rudio, being duly sworn, do say I am a citizen of the United States, over the age of twenty-one years; that I have resided at the Dalles and in the vicinity thereof ever since 1855, and have all that time well known Charles W. Denton, and the land claim which he located about 1854, and upon which he has ever since resided. That claim is located on Mill Creek bottoms, about one-half mile from Fort Dalles, and about two miles from the steamboat landing on the Columbia River, at Dalles City. It is easily irrigated, and the soil is very fertile, and is an excellent fruit and vegetable-growing farm. In 1854 or 1855 the United States authorities, as I understood, collected and placed on Denton's land large bodies of Indians, with large bands of horses. These Indians occupied all the farming land on Denton's place, and he was totally unable to use or improve the land. The great value of his place was to have it early set out in orchards, and made into gardens; this he did so soon as the Indians were removed in 1860. If these things could have been done in 1855, as he desired to do, the place would have been of very great value to him, for the prices of fruit and vegetables from 1856 to 1864 was nearly four-fold to what they have been since. The Indians cut and destroyed most of the timber growing then on his place. Wood has always borne a high price at the Dalles, and during some of those years was as high as \$8 and \$10 per cord. I should think, considering all the reasons, that Denton had suffered a great deal of damage from the presence and acts of those Indians. His principal one was the delay in preparing his place for the business to which he has wholly since applied it—fruit and vegetable culture. I should say the damage would amount to from \$3,000 to \$5,000 per year while the Indians were there. I am not in anywise interested in the claim of Denton against the Government. I am holding a land claim on John Day's River.

P. RUDIO.

Subscribed and sworn before me this 3d of September, 1860.

[SEAL.]

E. B. COMFORT,

Notary Public in and for said County and State.

STATE OF OREGON, *County of Wasco, ss :*

I, Jonah H. Mosier, being duly sworn, do say I am a citizen of the United States over twenty-one years of age, and have resided at and in the vicinity of the Dalles ever since 1853, and have known Charles W. Denton well during all that time, and also his land claim, on which he has resided ever since 1854. I know his claim is an excellent one for raising fruit and vegetables, and he has wholly applied it to that use; that the earlier in time one could get orchards planted and gardens made the more valuable it would be, for prices for fruit and vegetables from 1855 to 1862 were twice or four times greater than in the years since and now. I know in 1854 and 1855 large bands of Indians, with their horses, were collected and placed on Denton's land, and kept there for a number of years by United States authority, as I understood; that they occupied about all the farming land he had, and he was unable to use or improve the land; that they cut and destroyed large quantities of timber and wood then growing on his land. His farm was close to Fort Dalles, and about two miles from the landing on the Columbia River at Dalles City, and wood bore a high price all those years, and his place was easy of access for all the above purposes. I should think, judging from prices, from use of land, and delay in improving the land and waste of

timber, that Denton suffered damages to the amount of from four to five thousand dollars each year the Indians were there. I am a farmer, living some twelve miles from the Dalles, and have no interest in the claim of Denton against the Government.

JONAH H. MOSIER.

Sworn and subscribed before me this 3d day of September, 1870.

E. B. COMFORT,
Notary Public in and for said County and State.

TERRITORY OF WASHINGTON, *County of Walla-Walla*, ss :

I, James McAuliff, being duly sworn, do say that in 1853, and for some years afterwards, I was a sergeant in the United States Army, and was stationed principally at Fort Dalles; that I was then acquainted with Charles W. Denton, living on the same land claim as he now does, and I have known him well ever since. I am well acquainted with his farm. I know that in 1854, in the fall, and during the spring of 1855, a large band of Indians were gathered together by the authority and assistance of the United States, and were placed for keeping and control on the land claim of Mr. Denton. I should say there must have been some seventy lodges, and about three hundred Indians. They had also large bands of horses. These Indians were placed upon and occupied all the tillable land belonging to Mr. Denton, both inclosed and uninclosed. It was impossible for Mr. Denton to use his land, or improve it as he seemed desirous to do, by setting out orchards and raising vegetables, which have been the purposes to which he has appropriated his farm since. It would have been very valuable to Mr. Denton if he could have set out orchards early on his place, since it was unusually fitted for trees, and he could then at an early day have had fruit to put into the market during the years from 1858 to 1864, during which years the price of fruit was very high. I could say the same of vegetables. He could not do either of these until the removal of the Indians, which was in 1860. I know, too, that the Indians while on his place cut down, used, and destroyed a large proportion of the timber then growing upon his place. This was valuable for the reason that, being near a market and easy of access, it could have been turned into account by him. His farm is not over two miles from the city of Dalles, and from a point of shipping on the Columbia; it lies on Mill Creek, half a mile or so above Fort Dalles. While the Indians were there they were in part provisioned by the United States authorities. I have lived in this upper country many years, and know well the extreme high prices articles of food, such as vegetables and fruit, have borne, and the great demand there has been for them. Estimating what the use of the land so occupied by the Indians for nearly six years, the reason for early improving that land, the nearness to market, the demand for such things as Mr. Denton then desired and has since raised, and the use and waste of the timber on that place by the Indians, I think he was damaged in a sum somewhere between four and six thousand dollars each year while the Indians remained. They were collected on his place just before and during the first outbreak of the Indian war of 1855 and 1856. I have not any interest whatever, either present or prospective, in any claim that Mr. Denton may assert in reference to that matter. I am a citizen of the United States, over twenty-one years of age, and for the last six or eight years a resident of Walla-Walla, in Washington Territory.

JAMES MCAULIFF.

Subscribed and sworn to before me this 9th day of September, A. D. 1870. Witness my hand and seal of said county this day.

[SEAL.]

R. R. REYNOLDS,
United States District Clerk, First Judicial District, Washington Territory.

STATE OF OREGON, *County of Wasco*, ss :

I, Edward Roth, being duly sworn, do say I am a citizen of the United States, over the age of twenty-one years; that I was a soldier in Company C, 9th United States Infantry, and came to Fort Dalles about the 1st day of March, 1856; that I have been in and about the Dalles ever since; that I have known Charles W. Denton and his land claim since that time. When I came the Indians were all over his place, with their lodges and horses. There must have been about three hundred of them, gathered and placed there, as I understood, by United States authority. They occupied all the good land of Denton, and he was unable to use or improve it until they were removed, which I think was in 1830. He could not make then, as he has since made, his farm valuable for fruit and vegetables, though it would have been very valuable to have done so as early as possible, for prices of those things were fourfold higher from 1855 to 1862 than they have been since. These Indians cut and used fire-wood from Denton's

place, and wasted a great deal more. Wood bore a high price during those years, and Denton's place was easy of access, and was close to a good market. I should think the use of the land, the detention by the Indians preventing him from getting it in good condition, the waste of timber and use of it, would have been reasonably worth from four to six thousand dollars per year; at least Denton must have been damaged to a great amount. I have no interest in his claim whatever. I am city marshal of the Dalles.

EDWARD ROTH.

Sworn and subscribed before me this 3d day of September, 1870.

[SEAL.]

E. B. COMFORT,

*Notary Public in and for said County and State.*STATE OF OREGON, *County of Wasco, ss :*

I, Theodore Mesplie, being duly sworn, do say I am a citizen of the United States, over the age of twenty-one years, and have resided at and in the vicinity of the Dalles most of the time since 1853, and have known Charles W. Denton all that time, and also the land claim upon which he has lived since 1854. I know that in 1854 and 1855, as I understood, the United States authorities gathered up and placed on Denton's land claim a large band of Indians, numbering somewhere about three hundred, and kept them there until 1860; that during those years these Indians, with their large bands of horses, occupied all the good land on Denton's place, preventing him from using it, or from planting out orchards or making any gardens there. Denton's farm is unusually good for raising fruit and vegetables, and as soon as possible he has made it into such a farm, but could not do so until after the Indians were taken away. The earlier an orchard could have been set out or a garden made here so much the more valuable it would have been, for prices for fruit and vegetables from 1856 to 1862 were far higher than at any time since. The Indians cut and used fire-wood from Denton's place, and wasted much more. Wood was very high-priced in those years, and his place was easy of access in obtaining it. Judging from the prices here for such things, and the necessity of getting orchards and garden ready, I should say that Denton suffered damage while the Indians were there to the amount of from four to six thousand dollars each year. I have no interest in Denton's claim. I am a fruit and vegetable grower, and live near the Dalles.

his
THEODORE + MESPLIE.
mark.

Sworn and subscribed before me this 3d day of September, 1870.

[SEAL.]

E. B. COMFORT,

*Notary Public in and for said County and State.*STATE OF OREGON, *County of Wasco, ss :*

I, James George Ryan, being duly sworn, do say that I have lived at and near the Dalles ever since 1853; that I am a citizen of the United States, and over twenty-one years of age. I have known Charles W. Denton and the land claim on which he has resided since the time I first came here. I was employed as clerk for the garrison at Fort Dalles part of the time from 1853 to 1860, and know that a large body of Indians was placed in the inclosed portion of C. W. Denton's land claim, and also on the land not inclosed. The Indians were placed there by the orders of Colonel Wright, and C. W. Denton was prevented from using the same, or planting out orchards or making garden. He has, as soon as possible, made his farm wholly a fruit and vegetable one, but was unable to do so before the Indians were removed in 1860. His farm is now a very valuable one, and might have been much more valuable if the orchard had been set out early, and been bearing as early as possible, since the price for fruits and vegetables was far greater from 1857 to 1864 than it is now. The Indians cut down and destroyed much timber then growing on Denton's farm. I should think there were near two hundred Indians so located. Judging from the price of fruit, vegetables, and wood, and from the detention and use of the land, and the inability of Denton's using it early, I should think that he must have been damaged each year from six to seven thousand dollars while the Indians were there. Mr. Denton's farm is very near to the market here, and to the shipping point on the Columbia River, and was easy of access for cultivation, and being valuable as a farm. I have no interest whatever in his claim against Government.

J. G. RYAN.

Subscribed and sworn to before me this the 1st day of November, 1870.

[SEAL.]

T. H. CANN,

Notary Public.