
ELLA P. MURPHY.

JUNE 4, 1874.—Committed to a Committee of the Whole House and ordered to be printed.

Mr. GIDDINGS, from the Committee on Indian Affairs, submitted the following

REPORT :

[To accompany bill H. R. 3596.]

The Committee on Indian Affairs, to whom was referred the claim of Ella P. Murphy for losses sustained by depredations alleged to have been committed by the Mescalero Apache Indians, submit the following report :

The claimant alleges that she is the widow of Patrick Murphy, deceased, who was, at the time the depredations were committed, post-master and sutler for Fort Davis, Texas, and had been for some ten years prior to his death, in 1871.

That in August, 1861, the Mescalero Apaches killed, captured, and drove off cattle, horses, and mules, the property of her husband, valued in the aggregate at \$2,500; and that, again, in 1870, members of the same tribe stole 300 head of sheep and goats, valued at \$2.50 per head, and 50 head of cattle, valued at \$15 each. She assigns reasons for failing to present the claim of 1861 earlier, and gives full particulars of circumstances, but fails to produce any evidence, except her sworn statement, as to the facts; and, although she is vouched for by a number of witnesses as a lady of high standing for truth and veracity, the committee deem it unsafe as a precedent to admit any claim upon the statement of the claimant alone.

As to the claim for the attack of 1870 and the capture of 300 head of sheep and goats, it is fully established, not only by the sworn statement of the claimant, but by the testimony of Captain Charles A. Parker, who, with a squad of soldiers, followed the Indians and recaptured 22 head of the sheep and goats; and also of the testimony of Dr. Thomas Saunders, surgeon of the post, who accompanied the expedition. As to the value of the sheep and goats, that they had been recently purchased in Mexico, for the use of the post, and the capture of the Apache Indians, and that the claimant is the widow and sole heir of Patrick Murphy, deceased, who was at the date of the depredation post-sutler and post-master at Fort Davis, it appears that the husband of the claimant, at the time of the capture of his property, was in the employ of the Government, and required to keep the property for the use of the garrison; was entitled to the protection of the Government, and to indemnity for the loss sustained, and in accordance with the recommendation of the Secretary of the Interior herewith submitted, find that the Government is liable to and, in accordance with the act of 1869, bound to pay the claim for the sheep and goats, which is fully established; and that the bal-

ance of the claim be suspended for further consideration in the event of additional evidence hereof submitted, and submit the following bill as a substitute for H. R. No. 2405, and recommend its passage.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, D. C., April 28, 1874.

SIR: I have the honor to submit herewith a claim of Ellen P. Murphy, wife of Patrick Murphy, for \$3,875, on account of depredations alleged to have been committed by Mescalero Apaches.

Mrs. Murphy presents a statement under oath, in which she sets forth that she is the "widow and sole heir to the estate of Patrick Murphy," who died on the 17th of June, 1871; that her said husband resided at Fort Davis, Texas, some ten years or more previous to his death, and acted as postmaster and sutler at that military post; that he owned a large ranch there and considerable stock; and that in August, 1861, the Mescalero Apache Indians killed and captured cattle, horses, and mules, valued in the aggregate at \$2,500; and that again, in 1870, members of the same tribe of Indians stole 300 sheep and goats, valued at \$2.50 per head; and 50 head of beef cattle, valued at \$15 each. She gives full particulars in regard to these depredations, and assigns reasons for the delay in presenting the claim to the office.

There is no evidence in the case, in proof of the allegations made, except as to that which relates to the capture of the sheep. Two witnesses, who belonged to the fort, confirm her statement in regard to the number taken and their value. They, however, allege that 22 sheep were recaptured, making the number actually lost 278. Mrs. Murphy states in her petition that she will be enabled to furnish further evidence soon, but has verbally informed the office that she is not able to obtain the testimony bearing upon the depredation which is said to have taken place in 1861. The Indians in council "declare that they know nothing of the facts mentioned," and the agent adds that he regards the valuation of the stock as "reasonable and just."

As the evidence establishes only that portion of the claim which relates to the loss of the sheep, I would respectfully recommend an allowance therefor of \$695, estimating the 278 shown to have been lost at \$2.50 per head.

Very respectfully, your obedient servant,

EDWD. P. SMITH,
Commissioner.

Hon. SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR,
Washington City, April 29, 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 Mrs. Ella P. Murphy, amounting to \$3,875, for compensation on account of depredations committed by Mescalero Apache Indians.

A letter (copy inclosed) dated the 28th 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.

To the honorable the SPEAKER of the House of Representatives.