

WILLIAM REDUS.

FEBRUARY 13, 1830.—Committed to the Committee of the Whole House and ordered to be printed.

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

REPORT :

[To accompany bill H. R. 4438.]

The Committee on Indian Affairs, to whom was referred a petition of William Redus, asking for relief, respectfully report :

That they have had the same under consideration and recommend the passage of the bill herewith submitted, and your committee beg to submit in support of such recommendation the following statement :

William Redus, who is the claimant, testifies that on the 28th day of June, 1872, he was the owner and in possession of a certain drove of cattle, numbering 686 head, and was driving the said cattle from the State of Texas to the State of Kansas, over what is commonly known as the Texas cattle-trail through the Indian Territory, and about forty miles south of the south line of Kansas a party of Osage Indians, to the number of one hundred or more, all armed, without any parley, and without halting, dashed into his herd and cut out 144 of the best beeves in the drove, killing about 50 head in sight of the herd, and driving the remainder of the 144 away with them, causing the herd to stampede; that on gathering up the herd after the stampede and counting them, he found he was short 144 head, all of which must have been killed or driven off by the Indians. He further states that he had but seven men with the herd; that they offered no resistance to the Indians, for from their great number and hostile appearance, he thought it would be useless.

Westley Roberts testifies that he knows William Redus, and saw his herd of cattle; that the cattle in said herd were large and were from four to seven years old; that they were the best beeves he had seen on the trail that season; that he was the owner of a drove of cattle, and was driving them at the same time over the same trail in the Indian Territory; that when about forty miles south of the south line of Kansas, on the 28th day of June, 1872, the same day that Redus lost his cattle, a band of Osage Indians, about 120 in number, well armed, who seemed bent on mischief, came to my herd of beeves and demanded 100 head. I refused to comply with their demand, but finally, in order to save shedding blood, I offered them ten head, and as soon as they found I would not let them have any more without a fight, they left and went in the direction of William Redus's drove, which was about one mile distant.

L. B. Harris, of Bexar County, Texas, certifies to having purchased of William Redus 437 head of cattle, at \$22.50 per head, being all the

cattle that Redus had at Wichita at that time. The certificate is acknowledged before the clerk of the court of Bexar County, with the seal attached.

W. O. Woodley testifies on the 9th day of July, 1872, that he was in the employ and had charge of the herd of cattle belonging to William Redus; that he came with said herd from the State of Texas; that on the 28th day of June, 1872, a party of Indians, calling themselves Osage Indians, came up and, without asking any questions, dashed into the herd, yelling and shouting, and cut out 144 of the best beeves, and caused the herd to stampede; that said Indians shot from 40 to 50 of said beeves within a short distance of the herd, and drove off the balance; that he followed said Indians to recover some of the cattle that might be left by them, but when the Indians saw him one of them raised his gun in a threatening manner, which caused him to leave. On counting the herd, they were short 144 head. He further testifies there were but seven or eight men with the drove at the time the Indians drove off the cattle, and no resistance was offered.

George F. Hindes testifies that he is a drover, and was present near the herd of William Redus on the 28th day of June, 1872. This witness corroborates the testimony of William Redus, Westley Roberts, and W. O. Woodley as to time and place where the cattle were taken, but could not state the number taken.

The following is a copy of a letter from the Commissioner of Indian Affairs to the Secretary of the Interior on the same matter:

To the honorable the Secretary of the Interior:

SIR: I have the honor to present herewith a claim of William Redus for \$5,100 on account of a depredation alleged to have been committed in 1872 by Osages.

From the statement of Mr. Redus, it appears that his business is that of a drover, and that on the 28th day of June, 1872, he was taking a herd of 686 beef-cattle over what is called the Texas cattle-trail, through the Indian Territory, to Kansas, and that when about forty miles south of the south line of that State, a party of Osage Indians, to the number of one hundred or more, well armed, dashed into the herd and captured 144 of his best beeves, after stampeding the herd. He claims that the herd of cattle was well worth, on an average, \$35 per head; and that when the best are selected out, as in this case, it greatly injures the sale of the herd, as does also the stampeding of the herd. He therefore claims that he was damaged in all to the amount of \$5,100.

The evidence in regard to the attack made by the Indians upon the herd is deemed sufficient to fully establish the fact of the depredation. Two persons who were eye-witnesses of the transaction confirm the statement of claimant on this point.

The evidence in relation to the damages sustained, apart from the loss of the cattle, is not so satisfactory. Several persons who claim to be drovers join in a statement to the effect that a selection of a few of the best beeves from a herd injures the sale of a herd from 20 to 25 per cent.; but this statement cannot be received as evidence, as it is not verified by the oaths of the parties making it, as is required by the rules of the department.

The agent reports that the Indians in council admit that they took 29 head of cattle, and are quite "positive that claimant has largely exaggerated his loss in numbers and value per head."

The number of cattle lost is believed, from the testimony, to be correctly stated by him, but in the judgment of this office he has overestimated their value, and has not shown by any reliable evidence that he was damaged otherwise than by the loss of the 144 cattle. As claimant admits to the agent that the balance of the herd averaged him about \$25 per head, I respectfully recommend that he be allowed that amount per head for the 144 lost, making an aggregate of \$3,600.

Very respectfully, your obedient servant,

EDWD B. SMITH, *Commissioner.*