

J. M. WAIDE.

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JULY 2, 1884.—Committed to the Committee of the Whole House and ordered to be printed.

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

### REPORT:

[To accompany bill H. R. 2819.]

*The Committee on Indian Affairs, to whom was referred the bill (H. R. 2819) for the relief of J. M. Waide for property stolen by the Kiowa and Comanche Indians in the county of Denton, State of Texas, report as follows:*

It appears from the statement of claimant and the evidence that claimant resided in Denton County, State of Texas, and was the owner of a large herd of horses; that on the night of the 31st December, 1871, the Kiowa and Comanche Indians made a raid upon his herd of horses and took, stole, and drove away sixty-five head of horses. It also appears from the evidence that claimant used all reasonable means in his power to recover the horses so stolen, but wholly failed to recover them or any part thereof.

It appears from letter of Indian Agent Tatum, of April 15, 1872, that the claim of Mr. Waide, for the loss of the sixty five head of horses was presented to the Kiowas and Comanches in council; that they denied any knowledge of the alleged depredation and refused satisfaction. Your committee, however, are of the opinion from the evidence that the depredation was committed by said Indians, and that claimant lost the number of horses claimed. They are also of the opinion, from the evidence, that the sixty-five head of horses so lost by claimant as aforesaid, were well worth \$50 per head, making the aggregate value of \$3,250.

Your committee further find that the honorable Commissioner of Indian Affairs, in his letter of April 25, 1874, to the honorable Secretary of the Interior, recommends that said claim be allowed, which letter is hereby appended, as a part of this report:

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
Washington, D. C., April 25, 1874.

SIR: I have the honor to submit herewith a claim of James M. Waide for \$3,250, on account of a depredation alleged to have been committed in 1871 by Kiowas and Comanches.

The agent reports that the claim was presented to the Indians in council, and that they all asserted that "they knew nothing about the affair and refused satisfaction."

Mr. Waide presents an account against the Government for damages sustained in the loss of sixty-five horses, valued in the aggregate at the above-named sum, and in a brief affidavit avers that they were captured from him on the night of the 31st

of December, 1871, at his horse range in the northwest part of Denton County, in the State of Texas.

Two witnesses, in a joint affidavit, allege that the statements of Mr. Waide "are true, and that the valuation placed upon the property is reasonable and just," but they give no particulars in regard to the depredation. One other joint affidavit is given by three witnesses, who are more full and specific in their statement in regard to the loss of the property, its value, and the efforts made to recover it. It is shown that the Indians captured the number as alleged by claimant, and that \$50 per head is a reasonable valuation; I would, therefore, respectfully recommend that the claim be allowed.

Very respectfully, your obedient servant,

EDW'D P. SMITH,  
*Commissioner.*

Honorable SECRETARY OF THE INTERIOR.

From the above your committee recommend that the bill do pass without amendment.

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