

INDIAN DEPREDATION CLAIMS.

LETTER

FROM .

THE SECRETARY OF THE INTERIOR,

TRANSMITTING

A supplemental report of Indian depredation claims reported to that Department since January 13, 1885.

FEBRUARY 4, 1885.—Referred to the Committee on Indian Affairs and ordered to be printed.

DEPARTMENT OF THE INTERIOR,
 Washington, February 3, 1885.

SIR: I have the honor to transmit herewith, as a supplement No. 2 to report on certain Indian depredation claims, dated December 10, 1884, an abstract showing the nature, character, and amount of certain claims of that nature reported to the Department since January 13, 1885, date of last report.

The claims are numbered 1 to 3, inclusive.

Very respectfully,

H. M. TELLER,
Secretary.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

Abstract of claims for losses through depredations by Indians.

No. of claim.	Name and post-office address of claimant.	Amount of claim.	Date of depredation.	Place where depredation was committed.
1	Mrs. Caltha Hyer, Bridgeville, Cal....	\$21,998	Nov. 15, 1862	Humboldt County, California.
2	José de Jesus Lujan, Mora County, New Mexico.	8,200	Mar. 23, 1848	"Agua del Corral," New Mexico.
3	Abbie Sharp, Dickinson County, Iowa.	10,630	Mar. 8, 1857	Spirit Lake, Iowa.

Date of presentation of claim.	Tribe to which depredators belong.	Amount recommended by Indian Office.	Date of Department action.	Remarks.
1883.			1885.	
Nov. 9	Redwood and Klamath.....	\$16,498 50	Jan. 23	
Jan. 10	Navajo.....	4,240 00	Jan. 24	
Dec. 23	"Inkapaduta" Sioux.....	2,630 00	Jan. 29	Treaty.

DEPARTMENT OF THE INTERIOR,
Washington, January 23, 1885.

SIR: In compliance with the first clause of section 445, Revised Statutes, I have the honor to transmit herewith the reports, papers, and evidence in the claim of Mrs. Caltha Hyer, of Bridgeville, Humboldt County, California, for compensation on account of depredations alleged to have been committed by Redwood and Klamath Indians, amounting to \$21,998, in 1862.

A report of the Commissioner of Indian Affairs, dated January 22, 1885, shows the nature, character, and amount of said claim, the evidence presented in support thereof, and the action taken by that officer under the rules and regulations prescribed by this Department, under section 466, Revised Statutes, for the investigation of such claims.

He recommends an allowance of \$16,498.50, to be paid from public funds, there being no moneys due said Indians under treaty stipulations.

The claim is respectfully submitted for the action of the Congress.

Very respectfully,

M. L. JOSLYN,
Acting Secretary.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, January 22, 1885.

SIR: I have the honor to submit herewith the claim of Caltha Hyer, formerly Caltha Albee, amounting to the sum of \$21,998, on account of depredations alleged to have been committed by Redwood and Klamath Indians in the year 1862.

Exhibit A.—Claimant, in her sworn declaration, dated November 9, 1883, in substance states that she is sixty-five years of age, and that her post-office address is Bridgeville, Humboldt County, California, and that on the 15th of November, 1862, her former husband, J. P. Albee, was the owner of the following-described property, to wit:

450 head of cattle, valued at \$30	\$13,500 00
40 head of hogs, valued at \$5	200 00
8 dozen chickens, valued at \$6	48 00
10 hives of bees, valued at \$5	50 00
Lead pipe, valued at	200 00
1 dwelling-house, used as a hotel, furniture, &c	2,000 00
Barn and contents, hay, grain, &c	1,000 00
Milk dairy and fixtures, farming implements, &c	1,000 00
One other house, barn, and hay	1,700 00
Out-houses, chicken-house, and all improvements	1,200 00
Growing crops all destroyed	300 00

Total value of property

21,998 00

And that on said date the Redwood and Klamath Indians stole, destroyed, and carried away all of said property. Claimant further states that at said time she was living with her husband and family on Redwood Creek, in Klamath, now Humboldt County, California; the family had left home some time previous to the date of the depredation on account of danger apprehended from the Indians, when her husband, J. P. Albee, went back to secure the remaining portion of the crops, and was shot down in the field, and all the within-described property was then burned, destroyed, and carried away; and, further, she has never received compensation for her losses, nor has she at any time ever attempted to obtain private satisfaction or revenge therefor.

Exhibit B.—Claimant, under date March 3, 1884, states under oath that the reason she did not apply sooner for compensation for her losses is that she did not know that there were any provisions made for the payment of such claims.

Exhibit C.—The affidavit of William S. Robinson is filed in support of said claim, who, under date March 17, 1884, in substance states that he has seen the statement of claimant for losses by Indians in 1862, and that he has been acquainted with Mrs. Hyer, claimant, since 1853; that in the year 1862 her then husband, J. P. Albee, was possessed of over eight hundred head of cattle and other property, and that said Indians roamed over said country, destroying property and killing people; and, further, that he assisted at the burial of claimant's husband; and, further, the prices charged are fair and just.

Exhibit D.—The affidavit of Isaac Miner is also filed in support of said claim, who, under date of February 12, 1884, in substance states that, he is well acquainted with claimant and her former husband, J. P. Albee, deceased, as he lived a near neighbor to them during the raid by the said Indians in 1862; and that he was a guide for the United States troops, who were after the Indians, and who fully corroborates the statements of claimant regarding her losses by the Indians, and the value of the property taken and destroyed as stated.

Exhibit E.—The affidavit of Josiah B. Herrick is also filed in support hereof, who, under date of February 13, 1884, states that he has been acquainted with claimant since the year 1860, and her former husband, J. P. Albee, who was possessed of the property described in claimant's declaration, and knows that it was destroyed by the Indians as stated, and that the prices charged are reasonable and fair.

Exhibit F.—Acting United States Indian Agent, Capt. Charles Porter, U. S. Army, of the Hoopa Valley Agency, to whom the claim was sent for investigation and report, under date September 4, 1884, in substance states that the investigation was conducted publicly at Arcata, Cal., and that claimant and her witnesses were examined under oath by him, and that their statements were substantially as stated in their respective affidavits. No additional light was thrown upon the claim by his investigation.

Of the fact that the raid in which claimant lost her property was made in the year mentioned there is abundant and indisputable evidence in the civil and military records of that part of the country, and the fact is further attested by many living and reliable witnesses. The claimant's husband was ruthlessly murdered by the Indians who destroyed the property. The agent further states that there is no evidence procurable by him as to the value or extent of claimant's losses, except the sworn testimony of claimant and her witnesses. Testimony favorable to the character for probity, reliability, and credibility of claimant and witnesses was given by Sheriff T. B. Brown, of Humboldt County, and Messrs. Bizzard and Culberg, merchants of Arcata, Cal. These gentlemen, the agent adds, have known the parties for years, and are cognizant of the fact that she lost her husband and considerable property by Indian raids about the time specified, but they are not personally acquainted with the extent of her losses.

"No information," the agent adds, "can be gathered from the Indian tribes alleged to have been concerned therein. In fact no direct evidence tending to criminate any special band of Indians can be procured.

"It is, however, well established that all the Indians then living in this section of the country were at the time specified in active and persistent hostility to the whites. From their proximity to the scene of the depredations it is more than probable that the Redwoods, Klamaths, and Hoopas, who were then acting in concert, were the guilty parties. It need scarcely be added that the aforesaid tribes now deny all knowledge of this especial depredation, or of the parties actually participating therein.

"I am obliged to report, from the evidence adduced, that the claim is just, that the prices charged therein for the property lost or destroyed are fair and reasonable, time and place considered, and to recommend the claim be allowed."

After an examination of all the evidence presented I am of opinion that the depredation was committed as alleged, but the prices charged appear too large, and that a reduction of one-fourth of the amount should be made. I therefore recommend that the heirs or legal representatives of J. P. Albee, deceased, be allowed the sum of \$16,498.50, said amount to be paid from public funds, there being no moneys due said Indians under treaty stipulations.

Very respectfully, your obedient servant,

H. PRICE,
Commissioner.

The Hon. SECRETARY OF THE INTERIOR.

EXHIBIT A.

CLAIM FOR INDIAN DEPREDEATIONS.

STATE OF CALIFORNIA,

County of Humboldt, ss :

Caltha Hyer, being duly sworn, deposes and says: I am sixty-five years of age, and my post-office address is Bridgeville, Humboldt County. On or about the 15th day of November, 1862, in Humboldt County, in the State of Cal., my husband, J. P. Albee, was the owner of the following property, which was then taken from me by the Redwood and Klamath Indians:

450 head of cattle—cows, beef cattle, and stock cattle, at \$30 per head	\$13,500
40 hogs, at \$5 per	200
8 doz. chickens, at \$6	48
10 hives bees, at \$50; lead pipe, \$200	250
Dwelling-house and stores used as hotel, with furniture, beds, and bedding.	2,000
Barn, hay, and grain, all burnt	1,800
Milk dairy and fixtures, wagon, and farming tools	1,000
One other house, barn, and hay	1,700
Out-houses, fences, chicken-house, and all improvements	1,200
Crop destroyed after fence burnt, potatoes, corn, beets, carrots, &c	300
	21,998

The said property was taken under the following circumstances:

I was at that time living with my husband and family on Redwood Creek, in Klamath, now Humboldt, County. My husband's name was J. P. Albee. The family had left home some time previous to the date above mentioned, on account of danger from the Indians; about the date stated, Nov. 15, 1862, my husband, J. P. Albee, went back to secure the remaining part of our crop, and was shot down in the field, and all the property above described burnt and destroyed. The situation of the country was such that my husband was dead several days before it was safe to venture there. I have never before applied for compensation for my losses, nor received any. I have never recovered or received any recompense for any of said property except as above set forth.

The following persons were my neighbors when said depredation was committed: Isaac Minor, stock-raiser, Arcata; M. J. Falor, farmer, Arcata; M. J. Robinson, packer, Bridgeville; Capt. G. W. Ously, capt. Cal. Moun'rs, San José.

I have never sought any private revenge or redress against said Indians on account of said depredations.

And I solemnly swear that I have always been loyal to the United States, and have always borne true faith and allegiance thereto; that I have never borne arms against the United States, and that I have not voluntarily given aid, countenance, or encouragement to persons engaged in armed hostility thereto. And I further swear that I will, to the best of my knowledge and ability, support and defend the Constitution of the United States against all enemies, foreign and domestic. I make this application to have my said losses adjusted and paid by the United States.

I hereby appoint Charles and Wm. B. King, and John Mullen, of Washington, D. C., my attorneys in this claim, granting to them full power and authority to do and perform every act and thing whatsoever requisite and necessary to be done in and about the premises, as fully to all intents and purposes as I might or could do if personally present at the doing thereof, with full power of substitution and revocation, hereby ratifying and confirming all that my said attorneys, or their substitute, may or shall lawfully do or cause to be done by virtue hereof, hereby authorizing them to receive and receipt for any check, draft, or certificate that may issue in settlement of said claim; and in consideration of services rendered and of expenses incurred by my said attorneys in the prosecution of this claim, this power of attorney is hereby made irrevocable.

CALTHA HYER, [SEAL.]
Widow of J. P. Albee.

Subscribed in the presence of—
SUE BECKER.
LUE WILLIAMS.

Be it known that on the ninth day of November, 1883, before me personally came Caltha Hyer, and made oath to and subscribed the foregoing application, and acknowledged the said power of attorney. I also certify that the contents of the above instrument were read over and explained to the affiant before signing the same.

[SEAL.]

CHAS. BECKER,
Justice of the Peace.

Geo. A. King erased and Chas. and Wm. B. King and John Mullen inserted before execution.

EXHIBIT B.

STATE OF CALIFORNIA,
County of Humboldt, ss :

In the Indian claim of Caltha Hyer, formerly Albee, of Bridgeville, Humboldt Co., California, personally came before me, a notary public, in and for the aforesaid county and State, Caltha Hyer, who, I hereby certify, is a respectable and credible person, and who, being duly sworn, declares in relation to the aforesaid claim, as follows:

That she is the claimant in this cause for losses sustained by depredations committed by the Indians, and that the reason I never filed my claim before this time is that I did not know there was any provision for the examination of the case, or that anything could be done towards getting payment for the same.

She further declares that his post-office address is Bridgeville, county of Humboldt, State of California, and that he is not interested in said claim or concerned in its prosecution.

CALTHA HYER.

Sworn to and subscribed before me this day by the above-named affiant; and I certify that I read the foregoing affidavit to said affiant, and acquainted him with its contents before he executed the same. I am in no wise interested in this claim, nor am I concerned in its prosecution.

Witness my hand and seal, this 3d day of March, 1884.

[SEAL.]

E. W. WILSON,
Notary Public.

NOTES.

1. This should be sworn to before a clerk of court, notary public, or justice of the peace. If before an officer having no seal, then the clerk of the proper court *must add his certificate of official character in the form below, and not on a separate slip of paper.*

2. If sworn to before a deputy clerk of court, he must sign as deputy, and not for or in the name of the clerk, if so authorized by law.

3. Every witness should write his or her name, no matter how poorly he may write it, or how long it may take him to do it. But if the witness signs by x mark, the officer administering the oath should first carefully read and explain the affidavit, and satisfy himself that its contents are understood, and add the following additional certificate in *writing*: "I further certify that I carefully explained the affidavit to witness before execution, and am satisfied from examination of the witness that he fully understood the same."

4. If the officer administering the oath has known the witness for a number of years, let him state the length of time.

5. If the witness is testifying as a minister of religion or as a medical man, stating the facts coming professionally under his observation, the officer administering the oath must certify to his professional character and standing in the community in which he is pursuing his profession.

I, _____, clerk of the _____ court in and for aforesaid county and State, do certify that _____, esq., who hath signed his name to the foregoing affidavit, was, at the time of so doing, a justice of the peace in and for the said county and State, duly commissioned and sworn; that all his official acts are entitled to full faith and credit; and that his signature thereto is genuine.

Witness my hand and seal of office, this — of day _____, 188—.

[SEAL.]

Clerk of the _____ Court.

EXHIBIT C.

STATE OF CALIFORNIA,
County of Humboldt, ss :

In the matter of the application of Caltha Hyer for losses sustained by Indian depredations in the year A. D. 1862, personally appeared William S. Robinson, of Bridgeville, in the county of Humboldt and State of California, before me, Geo. W. Hopkins, a notary public in and for said county, and who, being first duly sworn according to law, deposes and says that he has seen the application of the said Caltha Hyer for losses sustained by Indian depredations in the year A. D. 1862; that he has been acquainted with the said Caltha Hyer since the year A. D. 1853; that she was then, and has ever since been, a resident of Humboldt Co., Cal.; that in the summer and fall of the year 1862 she was residing with her family on Redwood Creek, in the county and State aforesaid; that they were possessed of a large number of cattle—cows, beef cattle, and stock cattle—over the amount of eight hundred head, and at that time was also possessed of all the other articles mentioned in her application; that during the said

summer and fall the Indians were raiding all through the northern portion of Humboldt County, burning property and killing and driving off stock and murdering the inhabitants; that in the fall of the year 1862 the whole county was unprotected and at the mercy of the Indians, no troops being nearer than Hoopa Valley, or Camp Gaston, 20 miles distant, and that about the month of November, in the fall of 1862, the Indians made a raid on the house and ranch of the claimant and burnt all the dwellings and contents, as stated in the said application. Everything that would burn was burned and rendered a total loss, and out of all the cattle owned at that time, over eight hundred head, only three hundred and thirty head was saved after the raid, and that with great danger to life. All of the rest of the entire amount of cattle were killed, destroyed, or driven off, and rendered a total loss to claimant, and that the price claimed for the said cattle, to wit, \$30 per head, is a fair and reasonable charge for the cattle at that time; that the said claimant was also possessed of a large amount of hogs, all of which was destroyed at that time. He further states, to the best of his knowledge, that all the property named in the said application as being burned was burned and rendered a total loss, and that the same was well worth the amount charged for the same, and that the fencing was burned and growing crops destroyed, and that the husband of the claimant was shot and killed on the place by the Indians, leaving the claimant without any means to support herself and six children except her own labor.

His means of knowing these facts are that he was for a long time intimately acquainted with the family; was often there; was on the place after everything was burned and destroyed; and assisted in the burial of the husband of claimant; and assisted in gathering up the remainder of the stock not killed, which amounted as before stated to three hundred and thirty head; that he has been intimately acquainted with the claimant and family, and know these facts to be true; and that he has no interest in this claim.

WILLIAM S. ROBINSON.

Subscribed and sworn to before me this 17th day of March, 1884, and I further certify that the affiant is respectable and entitled to credit, and that I have no interest in this claim.

In wit whereof I have hereto set my hand and seal at office in Arcata, Cal., the day and date aforesaid.

[SEAL.]

GEO. W. HOPKINS,
Notary Public.

EXHIBIT D.

STATE OF CALIFORNIA,
County of Humboldt, ss :

On this 12th day of February, A. D. 1884, before me, Geo. W. Hopkins, a notary public in and for said county, personally appeared Isaac Minor, who I certify is a reputable person and entitled to credit, and who being duly sworn according to law in relation to the claim of Caltha Hyer, formerly Caltha Albee, for losses sustained by depredations committed by Indians, states that he was acquainted with claimant since 1855; that in the year 1862 she was residing with her family on Redwood Creek, and that at that time was possessed the articles hereinafter named; that he has seen the claim of the said claimant, and of his own knowledge can state that they were possessed of hogs, chickens, and bees as stated, and that she had a large dwelling-house used for a hotel, and that the same was well furnished with beds and bedding and furniture of all kinds necessary for the same, and that the same was worth \$2,000, and also a large barn filled with grain worth \$1,800, milk dairy and fixtures and farming tools, worth \$1,000. Also good out-houses, fences, and chicken house, worth \$1,200, and crop destroyed after fence burned, worth \$300; all of the said property that would burn was burned, and rendered a total loss; and that the hogs, chickens, and bees in the said claim mentioned were killed, destroyed, or driven off, and rendered a total loss to claimant. All of the said losses and destruction were caused by the Indians who raided all the country that summer. He further states that the husband of the claimant was shot and killed on the place at the time, and the family had to flee for their lives. That his means of knowing these facts were that he was a nephew to claimant, and had business often at the house of claimant, and further during the same summer he was employed as a guide to the United States troops who were after the Indians, and that he has no interest in this claim.

ISAAC MINOR.

Subscribed and sworn to before me the day and year aforesaid, and I further certify I have no interest in this claim.

[SEAL.]

GEO. W. HOPKINS,
Notary Public.

EXHIBIT E.

STATE OF CALIFORNIA,
County of Humboldt, ss:

On this 13th day of February, A. D. 1884, before me, Geo. W. Hopkins, a notary public in and for said county, personally appeared Isaiah B. Herrick, who I certify to be respectable and entitled to credit, and who, being duly sworn according to law, states, in relation to the claim of Caltha Hyer, formerly Caltha Albee, for losses sustained by depredations committed by Indians, that he has seen the claim of the said claimant, and has been well acquainted with her since the year 1860; that in the year 1862 she was residing with her family on Redwood Creek, Humboldt Co., and was possessed of a large amount of cattle, cows, beef and stock cattle; and that some of the same were killed or driven off by the Indians, and were well worth the amount charged for the same, although the precise number is unknown to this affiant. He further states that she had at that time a large and commodious dwelling, used as a hotel, and that the same was well furnished with everything necessary for the same; and that, together with barn and grain and all other buildings, with their contents, were burned to the ground and rendered a total loss to the claimant; and that the hogs, chickens, and other articles mentioned were killed, driven off, and destroyed; and that he believes the am't claimed for the same is fair and reasonable. He further states that the husband of the claimant was shot and killed on the farm by the Indians, and that the family had to flee for their lives; that his means of knowing these facts is that he was a neighbor to claimant, and as a neighbor had frequent business with the family, and had to assist each other in defending against the Indians. He further states that he is not interested in this claim nor concerned in its prosecution.

ISAIAH B. HERRICK.

Subscribed and sworn to before me the day and year aforesaid.

[SEAL.]

GEO. W. HOPKINS,
Notary Public.

EXHIBIT F.

UNITED STATES INDIAN SERVICE,
HOOPA VALLEY AGENCY, CAL.,
September 4th, 1884.

The Hon. COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.:

SIR: I have the honor to return herewith enclosed the claim of Caltha Hyer, for compensation from the United States for losses sustained by her through Indian depredations, amounting in all to \$21,998, together with three affidavits thereto appertaining, and to submit the following report of an investigation of said claim made by me in accordance with your instructions.

The investigation was conducted publicly at Arcata, Cal., on the 1st instant. The claimant and her affiants were examined by me under oath, and upon examination repeated substantially the statements in their respective affidavits herewith. No new or additional light was thrown upon the claim by my investigation.

Of the fact that the raid, in which the claimant lost her property, was made in year mentioned there is abundant and indisputable evidence in the civil and military records of this part of the country, and the fact is still further attested by many living reliable witnesses. The claimant's husband was ruthlessly murdered by the Indians, who destroyed the property, and who he was foolish enough to believe had become so much attached to him on account of his invariable kindness and consideration as to be incapable of doing him an injury. There is no evidence procurable by me as to the value or extent of the claimant's losses, except the sworn testimony of herself and her affiants.

Testimony favorable to the character for probity, reliability, and credibility of the claimant and her affiants was given by Sheriff T. M. Brown, Humboldt County, Cal., and by Messrs. Brizzard and Culberg, merchants of Arcata, Cal. These gentlemen have known the parties for years, are cognizant of the fact that she lost her husband and considerable property by an Indian raid about the time specified, but are not personally acquainted with the extent of her losses.

No information concerning this depredation can be gathered from the Indian tribes alleged to have been concerned therein. In fact, no direct evidence tending to criminate any especial band of Indians can be procured. It is, however, well established that all the Indians then living in this section of this country were at the time specified in active and persistent hostility to the whites. From their proximity to the

scene of the depredations it is more than probable that the Redwood, Klamaths, and Hoopas, who were then acting in concert, were the guilty parties. It need scarcely be added that the aforesaid tribes now deny all knowledge of this especial depredation or of the parties actually participating therein.

In the absence of any countervailing evidence, and owing to the apparent impossibility of procuring any, I am obliged to report from the evidence adduced that the claim is just; that the prices charged therein for the property lost or destroyed are fair and reasonable, time and place considered, and to recommend that the claim be allowed.

Very respectfully,

CHARLES PORTER,
Captain U. S. A., Acting Indian Agent.

DEPARTMENT OF THE INTERIOR,
Washington, January 24, 1885.

SIR: In compliance with the first clause of section 445, Revised Statutes, I have the honor to transmit herewith the reports, papers, and evidence in the claim of José de Jesus Lujan, of Mora County, New Mexico, for compensation on account of depredations alleged to have been committed by Navajo Indians, amounting to \$8,200, in 1848.

A report of the Commissioner of Indian Affairs, dated January 23, 1885, shows the nature, character, and amount of said claim, the evidence presented in support thereof, and the action taken by that officer under the rules and regulations prescribed by this Department under section 466, Revised Statutes, for the investigation of such claims.

He recommends an allowance of \$4,240 to be paid José de Jesus Lujan from public funds, there being no moneys due or to become due said Indians under treaty stipulations.

The claim is respectfully submitted for the action of the Congress.

Very respectfully,

M. L. JOSLYN,
Acting Secretary.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, January 23, 1885.

SIR: I have the honor to submit herewith the claim of José de Jesus Lujan, of Mora County, New Mexico, amounting to the sum of \$8,200, on account of depredations alleged to have been committed by Navajo Indians in 1848.

Exhibit A.—Claimant, in his sworn declaration, dated January 10, 1883 (which was mislaid at the Navajo Agency, while in the hands of the agent for investigation and report), and a supplementary one, dated January 9, 1885, in substance, states that on or about the 25th of March, in the year 1848, at a place known as "Aqua del Corral," a band of Navajo Indians stole, destroyed, and carried away the following-described property belonging to him, to wit:

3,850 head of sheep (ewes), at \$2.....	\$7, 700
3 fine mares.....	250
1 fine carriage mule.....	200
Camp equipage and one gun.....	50
Total amount of losses.....	\$, 200

Claimant further states that the prices charged are reasonable and just, and that the property was not within the limits of any Indian reservation at the time of the

depreddation ; and, further, that none of said property has ever been recovered by or for him, and that he has in no way ever attempted to obtain private satisfaction or revenge for his losses.

Claimant, in said affidavit, dated January 9, 1885, also states that the reason why his claim was not on file prior to January, 1883, is that, prior to 1860, he put his claim in the hands of the Delegate from New Mexico, requesting him to file said claim, but who returned the papers to claimant. Again, in 1865, he submitted his claim to the Hon. Francisco Perea, Delegate from New Mexico (see Exhibit B), who forgot to file said claim. And, further, that he is now seventy years old, and seeks only just compensation for his losses.

Exhibit C.—Claimant, in support of his claim, files the affidavit of José Manuel Leyba, who, under date January 11, 1884, in substance, states that he is a resident of San Miguel, San Miguel County, New Mexico, and has resided there from birth, and was a resident when Father José de Jesus Lujan was a resident of said town, and was well acquainted with him, and knows that he was the owner of a ranch and a herd of sheep kept at a place called "Aqua del Corral," in said San Miguel County, New Mexico, and that on or about the 25th of March, 1848, the Navajo Indians destroyed and took away 3,850 ewes, at the time worth \$2 each ; also three fine mares, two of which were worth \$100 each, and one worth \$50 ; a fine carriage mule, worth \$200, and also guns and camp equipage.

Affiant further states that he knows that the Navajo Indians stole, destroyed, and carried away said property belonging to the said Father José de Jesus Lujan, as he was one of the party of men who followed the Indians in their attempt to recover said property.

Exhibit D.—In further support of said claim the affidavit of Pedro Bachicha is also filed, who, under date January 11, 1884, in substance, says that he is an old resident of San Miguel, N. Mex. ; aged eighty-five years ; that on or about the 25th of March, 1848, suddenly appeared at his place, Father José de Jesus Lujan, claimant, and ordered him to take his horses, arms, ammunition, and provisions, to go under the command of Rafael Albino Baca, who, with forty men under his command, went to claimant's place, "Aqua del Corral," where the Navajo Indians had attacked, destroyed, and carried away the herd of sheep belonging to claimant ; that himself and thirty-nine warriors followed up the trail of said Indians, whom they overtook, numbering about three hundred warriors, who were eating and dancing over the bones of the sheep they had killed belonging to the said Father José de Jesus Lujan. Said Indians were at a place known as "Sierra Blanca," and is confident they were Navajoes, as he was one of the spies sent on their track.

Exhibit E.—The affidavit of Rafael Albino Baca is also filed in support of said claim, who, under date January 11, 1884, in substance, states that he is an old resident of San Miguel, N. Mex. ; eighty years of age, and is well acquainted with Father José de Jesus Lujan, claimant, and fully corroborates the statements of claimant, and affiant Pedro Bachicha, relative to the losses and value of the property taken from claimant by the Navajo Indians on or about the 25th of March, 1848.

Exhibit F.—United States Indian Agent John H. Bowman, of the Navajo Agency, to whom the claim was referred, under date November 6, 1884, says that he has been unable to learn anything in regard to this claim, as he lives at so great a distance from the place where the depreddation was committed, and not having a sufficient amount of money to pay his necessary expenses, and therefore returns the papers.

After an examination of all the evidence presented, I am of opinion the depreddation was committed as alleged, but the charges for the property lost are too high for that time and place. I therefore recommend that the claimant be allowed the following amounts, aggregating the sum of \$4,240.

3,850 head of sheep (ewes), at \$1	\$3, 850
2 head of mares, at \$75	150
1 mare	40
1 carriage mule	150
1 gun and camp equipage.....	50
 Total amount allowed	 4, 240

Said sum to be paid from public funds, there being no moneys due or to become due said Indians under treaty stipulations.

Very respectfully, your obedient servant,

H. P. RICE,
Commissioner.

The Hon. SECRETARY OF THE INTERIOR.

EXHIBIT A.

TERRITORY OF NEW MEXICO,
County of Mora:

Before me, the undersigned, clerk of the probate court in and for the county of Mora and Territory of New Mexico, personally appears José de Jesus Lujan, a claimant for property destroyed by Indians known as the tribe and name of the Navajoes. Said claimant upon oath states, that on or about the tenth day of January, one thousand eight hundred and eighty-three, he, the said José de Jesus Lujan, swear, subscribed, and made in writing one declaration at the office of E. N. Ronquillo, a notary public in and for the county of San Miguel and Territory of New Mexico; and that the aforesaid declaration in words and figures, at the best of his recollection, reads as follows, to wit:

TERRITORY OF NEW MEXICO,
County of San Miguel:

Before me, the undersigned, a notary public in and for the county of San Miguel and Territory of New Mexico, personally appears José de Jesus Lujan, a claimant for property destroyed by Indians known as the tribe and name of Navajoes. Said claimant upon oath states: That the aforesaid depredation was committed at the place known as "Agua del Corral" on or about the twenty-fifth day of March, in the year of our Lord one thousand eight hundred and forty-eight, by Indians belonging to the aforesaid tribe of Navajoes. That the property destroyed, consisting of three thousand eight hundred and fifty heads of ewes, valued at two dollars each, makes one total of seven thousand and seven hundred dollars; also three fine mares, valued at two hundred and fifty dollars; also one fine carriage mule, valued at two hundred dollars; and also guns and equipments of the camp, valued at fifty dollars; making a total amount of eight thousand and two hundred dollars; all of which said property was in good condition at the time and place aforesaid. Swears that to the best of his knowledge the values set opposite the animals aforesaid are just and true; that said claimant was not at any time in the Indian country, nor anywise cartering; or trading with Indians; neither of the tribe aforesaid, nor any other tribe, but on the contrary, his property was taken from his own herding ground, claimant's; also he states that he has never recovered any of the property aforesaid, nor has he received any compensation either for the whole or part thereof, and furthermore that the claimant has in no way endeavored to obtain private satisfaction or revenge for the property aforesaid. Further says not.

JOSE DE JESUS LUJAN.

Sworn and subscribed before me this tenth day of January, 1883.

E. N. RONQUILLO,
Notary Public.

Now, said claimant, José de Jesus Lujan, further says, that in compliance with the letter dated December 31st, 1884, last, addressed by H. Price, Commissioner of Indian Affairs in Washington, D. C., requesting him to prepare another sworn declaration as that before writing, and showing at the same time reasons why this claimant delayed so long before filing his aforesaid claim. Said claimant, under oath, states that the reasons why his claim was not on file before January, one thousand eight hundred and eighty-three, are as follows, to wit:

On or before the year of our Lord one thousand eight hundred and sixty (1860) this aforesaid claimant, José de Jesus Lujan, put his claim on the hands of Delegate for New Mexico, requesting him to file his said claim, but Delegate in that time do not pay any attention to his aforesaid claim, and returned papers to claimant. Thereafter, on or about the twenty-nine day of January, of the year one thousand eight hundred and sixty-five (1865), said claimant send papers of his aforesaid claim to be file under the charge and address of the Hon. Francisco Perea, Delegate of New Mexico, then in Washington, D. C., and Mr. Perea, during the session of Congress in that year, 1865, forget to file the aforesaid claim and returns papers to claimant; thereafter, on or about the twenty-third day of February, one thousand eight hundred and seventy-eight (1878), said claimant called the attention of the Hon. Trinidad Romero, Delegate of New Mexico, then in Washington, D. C., about the aforesaid claim of this claimant, and Mr. Romero, on or about the fifteen day of March, 1878, returned papers to this claimant, saying that papers must be writing and drawn in the English language and not in Spanish, and so Mr. Romero fail in filing the aforesaid claim of this claimant.

Claimant further states and shows that how he is not acquaintance with the English language; he was obliged to employ one person to draw and write his papers on or about January, 1880. Papers were drawn, and when this claimant was called to sign papers found that figures in the value and number of animals were more than

he claims. He, the claimant, refuse to sign papers, and abandoned the idea to draw and write papers, because he found no correct and illegal the claim as it is was drawn, until he could find a person to draw and write papers accordingly. By information, claimant called to the office of E. N. Ronquillo, a notary public in and for the county of San Miguel and Territory of New Mexico, and request him to draw his papers in reference to his aforesaid claim of depredation, and claimant found that the declaration signed and sworn before E. N. Ronquillo, notary public, on the tenth day of January, one thousand eight hundred and eighty-three, as stated in words and figures, is correct and true, according to numbers, figures, and values of the aforesaid property therein described, lost, and destroyed by the Navajo Indians belonging to this claimant; then Mr. Ronquillo refers me to Mr. Maurice Langhorne, in Washington, D. C., to whom I appointed my attorney to claim and file, and attend my aforesaid claim of depredation of my property, worth eight thousand and two hundred dollars.

Said claimant shows that the aforesaid manifestation represents the true facts why my aforesaid claim of depredation was delayed so long before filing, from 1848 to 1883. Claimant further states that he is seventy-five years old, poor but honest, and if he has delayed to file his aforesaid claim before, was only for the reasons and facts thereinabove stated under oath. The undersigned claimant prays for the allowance on to him of the just compensation of his property destroyed, of which he claims the exact and true value of the same, as it was thirty-seven years ago when he was the owner, and this claim being the only means he expect to have to subsist regularly on the few years of living to him, and prays for the approval and prompt payment of the same. Further says not.

JOSÉ DE JESUS LUJAN.

Witness:

E. N. RONQUILLO.

Sworn and subscribed before me, the undersigned, clerk of the probate court in and for Mora County and Territory of New Mexico, in this city of Mora, on this the ninth day of January, A. D. eighteenth hundred and eighty-five (1885).

In testimony whereof I fixed my hand and seal of the probate court the same day and year last above written.

[SEAL.]

AGAPITO ABEYTA, JR.,
Clerk of the Probate Clerk.

EXHIBIT B.

WASH., D. C., Jan'y 19, '85.

Hon. Com'r Indian Affairs:

SIR: I herewith inclose papers just rec'd in the Ind. dep. claim of José de Jesus Lujan, No. 2938-1833.

Two of them being, in Spanish, which I cannot either speak or write, I submit, and hope we may soon have a report in this case.

I have the honor to be, very resp'y,

M. LANGHORN,
Att'y, Wash., D. C.

PEÑASCO, N. M.,
Enero 29 de 1865.

HON. FRANCO PEREA,
Washington, D. C.:

MUY SEÑOR MIO: La influencia que Vd. goza cerca de los negocios en Washington me anima para escribirle estas lineas con el objeto de recomendarle un reclamo; tal y de tal naturaleza como los que continuamente suceden en nuestro país, el cual fue originado por los Yudios Navajoes llebandose de mi propiedad en Marzo de 1848, de las cercanias de San Miguel del Bado lo siguiente:

3850 obejas	\$7,700 00
1 tegua	50 00
1 carabina	50 00
2 teguas	200 00
½ mula de carruaje	200 00
	8,200 00

Anteriormente he aplicado algunos reclamos á mi alcance, pero no han surtido efecto y ahora he creido consistente autorizar á Vd. para que los haya creyendo que por su medio obtendré mi reclamo, el que le remunerare á su satisfacion.

Con lo que quedo de Vd. su affmo. y obet. servidor,

JOSÉ DE JESUS LUJAN.

HOUSE OF REPRESENTATIVES,
Washington, D. C., M'ch 15, 1878.

MUY SR. MIO: Acabo de recibir su carta fecha 23 ultimo conjunto papeles y declaraciones con referencia á sus reclamos. Pero no estando en orden pora poderse presentar ante el Departamento de Indios, incluyo á Vd. en esta reglas en printa para direccion de hacer su petition.

Sin mas que lo mencionado.

Soy con mucho respecto su obdt. srvd.,

T. ROMERO, M. C.

Al Sr. CURA JOSÉ DE JESUS LUJAN,
Mora, N. M.

P. S.—Sirvace hacer sus reclamos en Ingles.

(Office of E. N. Ronquillo, attorney at law and notary public.)

LAS VEGAS, N. M., Jan'y 15th, 1885.

MAURICE LANGHORNE, Esqr. :

SIR: Yours of 10 instant duly received.

I suppose when this reach you, the declaration on which reasons of delay was shown by Father Lujan, in Mora, dated Jan'y 9th, 1885, shall be in your hands, and do you will see that if it is not the same reduction as yours, but in very substance and facts shows the same idea that you advice me in your letter received to-day.

Enclosed do you will find Delegate's letters in the matter of this claim made by José de Jesus Lujan.

I came the day before yesterday from Mora, where I drawn papers and mailed to your address at the post-office from Mora. Father Lujan is sick; he is very need of his claim to relief his position as soon as possible, and it seems to me that no other claim of this nature is as just, equitative, and so well supported by evidence as this claim has been proved. Made what is proper to have prompt action and payment, if possible, to help the old, poor, honest, and sick man, Lujan.

Yours, truly,

E. N. RONQUILLO.

COUNTY CLERK'S OFFICE, SAN MIGUEL COUNTY,
Las Vegas, N. M., June 30th, 1884.

Hon. MAURICE LANGHORN,
Attorney at Law :

DEAR SIR: Enclosed do you will find affidavits of three old and competent witnesses in evidence to prove facts in the claim of José de Jesus Lujan for depredations of the Navajoes Indian tribe.

These evidences were taken since last January, 1884, at San Miguel (City) township, precinct No. 1, of said county; but I was very sick thereafter and enable to do nothing; until present, that Delegate Manzanares wrote me including your information in the matter; I came to remember that depositions were kept in my desk. Now I feel better health and ready to go on business again.

Agent Riordan wrote me last time, Nov. last, 1883, saying he can't come at San Miguel by no means; and how our witnesses are very old and feeble men of health, was impossible to me to take them to Manuelito, then I proceed to take affidavits before justice of the peace, precinct No. 1, and attest his signature by the county and probate clerk, as you can see; it seems to me good evidence in law and equity.

Very respectfully, yours,

E. N. RONQUILLO.

EXHIBIT C.

TERRITORY OF NEW MEXICO,
Precinct No. 1, County of San Miguel as :

Before me, the undersigned, a justice of the peace in and for the county of San Miguel and Territory aforesaid, personally appeared José Manuel Leyba, a citizen of the United States of America, resident in the town of San Miguel, San Miguel County, and Territory of New Mexico, an old man fifty-seven years old, teacher, and being duly sworn according to law, states, deposes, and says, that he, the deponent, has been resident of the town of San Miguel, aforesaid, since he born, that he was a man and

citizen of the United States of America, on or about the year eighteen hundred and fifty-eight, at the time when Father José de Jesus Lujan was a resident in said town of San Miguel; that he was acquaintance with Father José de Jesus Lujan, when he, Father José de Jesus Lujan, was owner of a ranche and herd of sheep that he keeps under care at a place known as "Agua del Corral," on said county and Territory aforesaid; that on or about the twenty-fifth day of March, in the year of our Lord one thousand eight hundred and forty-eight, a number of Indians, known as the tribe and name of Navajoes, destroyed and take away from said ranche of "Agua del Corral" all the property owned by Father José de Jesus Lujan consisting, of thirty-eight hundred and fifty ewes, each head worth in that time two dollars; also three fine mares, worth in that time, two of the mares worth one hundred dollars and one mare worth fifty dollars; also one fine carriage mule, worth no less than two hundred dollars; and guns and ranch equipments that Father José de Jesus Lujan held at his ranch at "Agua del Corral." All his property was destroyed and stolen by the Navajoes Indian tribe, on the twenty-fifth day of March, on the year one thousand eight hundred and forty-eight. Also, deponent says, that he knows the Navajo Indians were who stoled and destroyed the property of José de Jesus Lujan, because the same day of the depredation took place at "Agua del Corral" he, the deponent, was one of the men followers from these who follow and prosecute the track of the Indians robbers. Further says not.

JOSÉ MANUEL LEYVA. [SEAL.]

Sworn and subscribed before me, at the town of San Miguel, at San Miguel County, Territory of New Mexico, this the eleventh day of January, A. D., one thousand eight hundred and eighty-four.

ANTONIO A. TAPIO,
Justice of the Peace, Prec. No. 1.

EXHIBIT D.

TERRITORY OF NEW MEXICO,
Precinct No. 1, County of San Miguel, ss :

Before me, the undersigned, a justice of the peace in and for the county of San Miguel and Territory aforesaid, personally appear Pedro Bacchiha, a citizen of the United States of America, an old resident in the town of San Miguel, in San Miguel County and Territory aforesaid, an old man of eighty-five years old, farmer, and reknown by the ancient name of "Genizaro" (it is said "Genizaro" means a man who was engaged by the owners of cattle and sheep with no other position than to be ready with arms and ammunitions to make war with the hostile Indians), and said "Genizaro," being duly sworn according to law, state, deposes, and says: That on or about the twenty-fifth day of March, A. D. one thousand eight hundred and forty-eight, being at his residence in the township of San Miguel, in the county and Territory aforesaid, suddenly appear Father José de Jesus Lujan, and ordered him to take his horse, arms, ammunitions, and provisions, and under the command of Mr. Rafael Albino Baca, and companions, in number of forty men, goes to the place known as "Agua del Corral," where the Indians have attacked, destroyed, and killed the herds of sheeps owned, by Father José de Jesus Lujan; he, the deponent, and thirty-nine warriors follow the track of the Indians same night, and the following day they found and meet the Navajoes Indians tribe, in number of about three hundred Navajoes, eating and dancing over the bones of the ewes they have killed and destroyed from the property of said, Father Lujan; the Navajoes were at a place known as Sierra Blanca; deponent knows well they were Indians of the Navajo tribe; he was one of the spies of the track and knows well the Navajo Indians; also deponent says, that the property of ewes, mares, and mule stolen, destroyed, and killed, was of the property of Father José de Jesus Lujan, and the depredation took place at "Agua del Corral" on the twenty-fifth day of March, eighteen hundred forty-eight in San Miguel County. Further says not.

his
PEDRO + BACCHIHA.
mark.

Witnesses of mark:
RAFAEL ALBINO BACA.
LAZARO SANDOVAL.

Sworn and subscribed by the witnesses of mark before me in the town of San Miguel, in San Miguel County, Territory of New Mexico, this, the eleventh day of January, A. D. one thousand eight hundred and eighty-four.

ANTONIO A. TAPIO,
Justice of the Peace, Prec. 1.

EXHIBIT E.

TERRITORY OF NEW MEXICO,
Precinct No. 1, County of San Miguel, ss :

Before me, the undersigned, a justice of the peace in and for the county of San Miguel and Territory aforesaid, personally appear Rafael Alvino Baca, a citizen of the United States of America, an old resident in the town of San Miguel, in San Miguel County and Territory of New Mexico, now an old man of eighty years old, farmer, who, being duly sworn according to law, state, deposes, and says, that he, the deponent, has been a resident of the said town of San Miguel and county and Territory aforesaid since he was born, and that he was a man of forty-four years old and citizen of the United States of America on or about the year eighteen hundred and forty-eight, at the time when Father José de Jesus Lujan was a resident of said town of San Miguel; that he was acquaintance with said Father José de Jesus Lujan when he, the Father José de Jesus Lujan, was owned and owner of a certain rancho of herding sheep, which he keeps under his care at a certain place known as "Agua del Corral," distant about six miles far south of the said town of San Miguel, county and Territory aforesaid; that on or about the twenty-fifth day of March, on the year of our Lord one thousand eight hundred and forty-eight, a number of Indians, known as the tribe of Navajoes, attacked the ranch of the "Agua del Corral," where the herds of sheep, horses, and mule of the property of said father José de Jesus Lujan was herding, and then and there the Navajoes Indians stolen and destroyed all the property was there owned by father José de Jesus Lujan, which property destroyed and stolen consisting of three thousand eight hundred and fifty ewes, three mares, one fine carriage mule, guns, and equipments of the rancho, all this property owned by said Father Lujan was destroyed, killed, and stolen by the Navajo Indians tribe, on the twenty-fifth day of March, eighteen hundred and forty-eight.

Deponent further says that he knows well that the Indians who destroyed and stolen the said property of Father Lujan on the day and year aforesaid were belonging to the Navajoes Indians tribe, because in that time, month, day, and year aforesaid, as soon the depredation was made at Agua del Corral, one of the herders came to town of San Miguel and gave notice of such depredation; he, the deponent, was appointed commanding officer of a posse of forty men, neighbors, of said town, to follow the track and punish the said Indians robbers; he, the deponent, follow the track of the Indians, and found one Indians Navajoes blanket and several arrows belonging to the same tribe of Indians; he follow the Indians all the night of the twenty-fifth day of March, 184⁸, and the following day he catch the Indians in a considerable number of more than three hundred Navajoes Indians, and part of the property and ewes of Father Lujan have been killed by the Indians in a certain place known as Sierra Blanca, where he, the deponent, being afraid to loss his men and returned back with some arrows and one blanket of said Navajo Indians.

Deponent further says that ewes in that time of eighteen hundred and forty-eight worth two dollars per head; that two mares of said Father Lujan worth one hundred dollars each, and the other one worth fifty dollars; and that the fine carriage mule worth no less than two hundred dollars; and guns and equipments of the rancho was worth about fifty dollars; this was the property that Father José de Jesus Lujan lost and was destroyed by the Navajoes Indian tribe, on the twenty-fifth day of March, on the year of our Lord one thousand eight hundred and forty-eight, at the said place, Agua del Corral.

Further says not.

RAFAEL ALBINO BACA. [SEAL.]

Sworn and subscribed before me, in the town of San Miguel, in San Miguel County, Territory of New Mexico, this the eleventh day of January, A. D. one thousand eight hundred and eighty-four.

ANTONIO A. TAPIA,
Justice of the Peace, Precinct No. 1.

TERRITORY OF NEW MEXICO,
County of Miguel :

I, Jesus M. Tafolla, clerk of the probate court in and for the aforesaid county of San Miguel and Territory of New Mexico, do certify that Antonio Abad Tapia, justice of the peace, who had signed the acknowledgements with his name to the above within affidavits of José Manuel Leyva, Pedro Bachicha, adjoining to the within affidavit of Rafael Alvino Baca, all three instruments of writing, was at the time of so doing a justice of the peace in and for precinct number one, county and Territory aforesaid, duly commissioned and sworn; that all his official acts are entitled to full faith and credit, and that his signature thereto is genuine.

Witness my hand and seal of office this 12th day of January, A. D. 1884.

[SEAL.]

JESUS M. TAFOYA,
Probate and Co. Clerk, S. M. Co.

EXHIBIT F.

[Via Manuelito, Valencia Co., New Mexico.]

UNITED STATES INDIAN SERVICE,
*Navajo Agency, August 31, 1883.*MAURICE LANGHORNE, Esq.,
Attorney at law, Washington, D. C. :

SIR: I am in receipt of your letter dated 15th instant requesting me to notify Mr. E. N. Ronquillo, of Las Vegas, New Mexico, when I can go to San Miguel for the purpose of taking testimony in relation to a claim for depredations made by Indians in 1848.

In reply thereto I have to inform you that as soon as other engagements will permit, after I have received a deposit of one hundred (100) dollars to cover my necessary expenses, I will attend in investigation, and will give you and Mr. Ronquillo sufficient notice in advance. I have written Mr. R. to that effect by letter of even date herewith.

Very respectfully,

D. M. RIORDAN,
*U. S. Ind. Agt.*UNITED STATES INDIAN SERVICE,
*Navajo Agency, Oct. 9th, 1884.**Hon. Commissioner of Indian Affairs, Washington, D. C. :*

SIR: Referring to your letter of the 2d instant (C and E Depredations, 2938), wherein you instruct me to report on the claim of José de Jesus Lujan, for depredations, without unnecessary delay. Will say that the claimant lives at some distance from here; his address has been unknown to me until a few days since, consequently I have been unable, until recently, to notify him of my desire to investigate the claim and to ask him to deposit the necessary amount for expenses of conducting the investigation.

Should I not hear from the claimant in reply to my communication within a short time I will, unless otherwise ordered, return the paper to your office.

Very respectfully,

JOHN H. BOWMAN,
*Agent.*UNITED STATES INDIAN SERVICE,
*Navajo Agency, Nov. 6th, 1884.**Hon. Commissioner of Indian Affairs, Washington, D. C. :*

SIR: I inclose herewith the papers in the case of José de Jesus Lujan for depredations C 10629-83.

I have been unable to learn anything in regard to this claim. I have written to the claimant, but he has not replied, and as he lives at some distance I could not afford to proceed until the amount of money required for the necessary expenses should be deposited.

Very respectfully,

JOHN H. BOWMAN,
*U. S. Indian Agent.*DEPARTMENT OF THE INTERIOR,
Washington, January 29, 1885.

SIR: In compliance with the first clause of section 445, Revised Statutes, I have the honor to transmit herewith the reports, papers, and evidence in the claim of Abbie Sharp, of Dickinson County, Iowa, for compensation on account of depredations alleged to have been committed by Inkapaduta Sioux Indians, amounting to \$10,630, in 1857.

A report of the Commissioner of Indian Affairs, dated January 28, 1885, shows the nature, character, and amount of said claim, the evidence presented in support thereof, and the action taken by that officer

under the rules and regulations prescribed by this Department, under section 466 Revised Statutes, for the investigation of such claims.

He recommends an allowance of \$2,630 for the property alleged to have been taken, and any further sum Congress may deem just for the sufferings of claimant, and losses consequent upon the death of Gardner and Luce and the abandonment of their pre-emption claim; said amounts to be paid from monies due or to become due "Sioux of different tribes, including Santee Sioux of Nebraska," under treaty stipulations.

The claim is respectfully submitted for the action of the Congress.

Very respectfully,

H. M. TELLER,
Secretary.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, January 28, 1885.

SIR: I have the honor to submit herewith the claim of Abbie Sharp, amounting to the sum of \$10,630, on account of depredations alleged to have been committed by "Inkapaduta" band of Sioux Indians, in the massacre at Spirit Lake, State of Iowa, in 1857.

Exhibit A.—Claimant, in her sworn declaration, dated December 23, 1883, in substance, states that she is a citizen of Dickinson County, State of Iowa, and is the daughter of Rowland Gardner, late of Spirit Lake, Iowa, who was murdered by "Inkapadutas" band of Sioux Indians on the 8th of March, 1857; that herself and Mrs. Eliza M. Wilson, now of Mason City, Iowa, are the sole surviving heirs of the said Gardner, deceased, and also of their brother-in-law, Harvey Luce, who was also murdered by the said band of Indians at the same time and place. That at said massacre claimant was taken captive by said Indians and held by them, and suffered the most inhuman treatment for three and a half months, and finally recovered. That at the time of capture she was compelled to carry an immense load, consisting of eight bars of lead, one pound of bullets, one tent-cover made of the thickest and heaviest kind of cloth, one Indian blanket, one iron bar about four feet long and an inch thick, a stick of wood of considerable weight, a heavy gun, and in addition to all this a flat piece of wood about four feet long to keep the back straight. That by such exposure her health was broken down, and from lack of nourishment and cruel treatment came near dying, and by such maltreatment by said Indians she has been rendered an invalid and unable to support herself. And further that at the time of her capture (being only fourteen years of age) and the death of her father and brother-in-law, they had settled upon and made improvements upon land [described therein], and which was after their death settled upon by other parties; that said lands are now worth \$200 per acre, being adjacent to what is now known as Lake West "Okiboji," and that by said raid her said sister was driven away and herself captured, they were unable to take charge of and prove up the claims and protect their pre-emption rights upon said land, which, with the improvements, consisting of houses, fences, &c., became totally lost to them; that the total amount of land was 320 acres (as per enclosed plat), and the location is now known as Arnold's Park, where the house of said Luce is now built, and the "Gardner" house, where the said Rowland Gardner lived.

That the property was completely destroyed as will be seen by reference to the report of Major William Williams, who had charge of the expedition to recover the captured settlers from the Indians in which he says: "At every point they [the Indians] broke up and destroyed all the furniture, burned the houses, killed the cattle, very near a hundred head of cattle shot down, their whole course goes to show that they intended to break up and stop the entire settlement of that part of the country." That as early as the 15th of April after the massacre new settlers came in and the land claim of Gardner and Luce was taken possession of by one J. S. Prescott, and that the title thereto was secured by him, the lands and improvements were entirely lost to the heirs of the said Gardner and Luce. That the interest of her sister in said claim was conveyed to claimant, which will more fully appear in the deed attached to claimant's declaration, and marked Exhibit B. Claimant further states that she has made application to Congress for relief, and attaches to said papers a letter from Hon. N. C. Dearing, late member from Iowa, showing the course which her petition has passed, and marked Exhibit C. The reason her claim did not pass was that no

specific itemized statement of losses sustained was made. She therefore presents herewith her claim as follows, to wit:

(1.) That at the time of the massacre she was but fourteen years of age and that by reason of maltreatment and exposure her health was completely ruined and a reasonable compensation should be allowed in a sum not less than.....	\$3,000 00
(2.) She claims that she would be entitled in justice to the value of the land at the time of her father's and her brother-in-law's deaths well worth the sum of.....	5,000 00
(3.) The personal property of Gardner and Luce destroyed by said Indians consisted of, as near as she can recollect, viz: 6 yoke of working cattle, valued at \$100.....	600 00
5 cows, valued at \$50.....	250 00
12 head of young cattle, valued at.....	250 00
3 lumber wagons, valued at \$30.....	340 00
2 braking plows, ox-yokes, and chains, &c.....	90 00
Mowing-scythes, hay-rakes, pitch-forks, several hogs, a large amount of poultry, seed wheat, seed corn, corn for keeping stock, potatoes 2 double-barrel guns, household goods, consisting of 5 beds and bedding, 2 cooking stoves, 2 tables, necessary dishes, knives and forks, table linen, &c., 50 yards carpet, 2 clocks, and all personal clothing and numerous other articles, which is not stated, valued at.....	1,200 00
Total amount claimed.....	10,630 00

Claimant further states that the evidences of the massacre are matters of history well understood by this Department, and from the report of Major Williams, of the rescuing party, who went from Fort Dodge, and a full report relating thereto made by Governor Grimes to the Iowa legislature, and in various applications heretofore made to the Department.

Claimant further states that she was unaware what was necessary to perfect her claim, leaving it to members of Congress to present her claim as they deemed best.

An account of her sufferings is given in a printed slip taken from the Spencer Reporter, a newspaper published at Spencer, Clay County, Iowa, marked Exhibit D, and made a part hereof.

Exhibit E.—The joint certificate of John F. Duncombe, captain Company B, and Charles B. Richard, of Company A, of Iowa Volunteers, is also filed in support of said claim, who, under same date, in substance, state that they were under the command of Maj. William Williams's expedition for the rescue of the fugitives from said massacre. A detail was assigned to bury the dead, and who did bury the families of the above named Gardner and Luce, and do hereby certify that from their own knowledge and at the time (March 8, 1857) when said massacre occurred they believe the allegations as stated by claimant to be true in every particular.

After an examination of all the evidence presented, and from the further fact that it is well known to this office that the massacre took place at the time and place stated, I am of the opinion the depredation was committed as alleged. The justness of these claims has been recognized by Congress in the passage of a bill appropriating over \$27,000 for the payment of other claims on account of said massacre. I therefore recommend that claimant be allowed the sum of \$2,630 for the property alleged to have been taken and destroyed, and any further sum Congress may deem just for the sufferings of claimant and losses consequent upon the death of Gardner and Luce, and the abandonment of their pre-emption land claims, said amounts to be paid from moneys due or to become due "Sioux of different tribes, including Santee Sioux of Nebraska," under treaty stipulations.

Very respectfully, your obedient servant,

H. PRICE,
Commissioner.

The Hon. SECRETARY OF THE INTERIOR.

EXHIBIT A.

To the honorable the Senate and House of Representatives of the United States of America:

Your petitioner, Abbie Sharpe, a citizen of Dickinson County, Iowa, respectfully represents to your honorable body that she is the daughter of Rowland Gardner, late of Spirit Lake, in Dickinson County, Iowa, who was murdered by the Indians under Inkpaduta on the 8th day of March, 1857, at what was known as the Spirit Lake massacre by Inkpaduta's band of Sioux Indians.

That she, with her sister, Eliza M. Wilson, now of Mason City, Iowa, are the sole surviving heirs of the said Rowland Gardner; that they are also the sole surviving heirs of Harvey Luce, who was murdered at the same time by the same band of Indians, and who at the time reside^d adjoining the said Rowland Gardner.

That at the time of said massacre your petitioner was taken captive by said band of Indians and was held in captivity by said band, suffering the most inhuman treatment from the same, for three months and a half, and was finally rescued by the governor of Minnesota, Samuel Medary, and Charles E. Flandreu, who was at that time United States Indian agent for the Sioux.

That she was rescued from said imprisonment in the Territory of Dakota, in Spink County, near what is now the town of Ashton.

That at the time she was taken captive by said band of Indians she was compelled to carry a pack consisting of eight bars of lead, one pound of leaden bullets used for shooting buffalo, one tent cover made of the thickest and heaviest kind of cloth, one Indian blanket, one iron bar about four feet long and an inch thick, a stick of wood of considerable weight, a very heavy gun, and in addition to all this a flat piece of wood about four feet long to keep the back straight.

That at the time of her capture there was very deep snow, and she was compelled for days and weeks in the snow and storm to carry the pack above described, and to wade through streams of water, where the ice was not sufficient to support them, waist deep.

That by her exposure and utter neglect of care her health was broken down, and from lack of proper nourishment and from the cruel treatment she came very near dying.

That prior to that time she had excellent health and good sound constitution, and by reason of her maltreatment by the Indians she has been rendered an invalid for life, wholly unable to perform hard work and unable to support herself for the reasons above stated, beside enduring untold sufferings not only during the time of her captivity but after her rescue, and even up to the present time.

That at the time of her capture and the destruction of her father and brother-in-law her father had settled upon and made improvements upon lots Nos. three (3), four (4), and five (5), and southwest quarter of southeast quarter of section thirty (30), in township ninety-nine (99) north, of range thirty-six (36) west, of the 5th P. M., in Dickinson County, Iowa; and her said brother-in-law had settled upon and improved lots one (1) and two (2) in said section thirty (30) and lots two (2) and four (4) in said section thirty (30), and had improvements thereon at the time consisting of houses and breaking, and were properly sheltered and protected by houses erected upon said lands.

That said lands were adjacent to and bordering upon what is known as Lake West Okiboji.

That by reason of the captivity and loss of health of herself and her sister aforesaid, who in the same Indian raid was driven from Springfield, she was unable to proceed and take charge of and prove up her claims and protect her pre-emption rights upon the land aforesaid, as was also the heirs of said Luce, her brother-in-law, and was, on account of being entirely deprived of any property, and on account of her broken-down health, she has been since that time utterly unable to take charge of or do any acts whatever to protect or save the property belonging to her father and to her brother-in-law upon said places, and consisting of household furniture and other necessary articles, at the time owned and used by them, a schedule of which property belonged to each of said parties, as far as the same can be enumerated at this time, is hereto attached and made a part of this memorial.

That the property was entirely destroyed, as will be shown by reference to report of Major William Williams, who had charge of the expedition to rescue the settlers from the said Indian raid, in which he says, "At every point they broke up and destroyed all the furniture, burned the houses, killed the cattle; very near a hundred head of fine cattle that have been shot down and untouched in any way but the knocking off of their horns. Their whole course goes to show that they intended to break up and stop the entire settlement of that portion of the north and north west country." That as early as the 15th day of April, 1857, after attention had been called to the Spirit Lake massacre on the 8th day of March, 1857, new settlers commenced coming in to that portion of the country, among whom were J. S. Prescott, W. B. Browne, Henry Barkman, O. C. Howe, B. F. Parmenter, R. M. Wheelock, C. M. Hill, A. Kingman, Geo. E. Spencer, since United States Senator from Alabama, and many others.

That the claim or pre-emption belonging to said Rowland, Gardner, and Luce were taken possession of by the said Prescott, and the title thereto afterwards secured to said lands by other parties, and the lands owned by the said Gardner and the said Luce were proved up and entered in the United States Land Office, and the title and improvements entirely lost to the heirs of the said Gardner and Luce.

That by the construction of railroads and the improvement of the country the said property has increased in value until at the present time what was the former home

of the said Gardner and the said Luce has become of very great value, and is worth not less than from one to two hundred dollars per acre, and some has actually been sold for the prices named, and portions of it could not be purchased at this time at the rate of two hundred dollars per acre.

That the total amount of land occupied as aforesaid and adjoining by the said Gardner and the said Luce was about one half section and the sketch or map hereto attached showing West Okiboji and the location of what is now known as Arnold's Park, where the house of the said Luce was built, and what is known as the Gardner house, where the said Rowland Gardner then resided, will give a clearer and more definite idea of the location of the property referred to.

That your petitioner has, by written assignment hereto attached duly executed by her sister, Eliza M. Wilson, become the owner of all the rights and inheritance of the said Rowland Gardner and the said Harvey Luce, and is the sole heir and has now the sole right to any right or property that may be recovered on account of said losses.

Your petitioner further states that heretofore she has made application to Congress for assistance and compensation for some of the losses which she had sustained, and she attaches hereto a letter dated December 5th, 1884, from Hon. W. C. Dering, late member of Congress from Iowa, showing the course through which her application has passed. That she understands that her claim has been refused or failed to pass for the reason that no specific itemized claim has been made out by her for the losses which were sustained from the massacre as aforesaid and the destruction of the property which was made by the Indians at the time above stated.

She, therefore, presents her claim as follows:

At the time of this massacre she was fourteen years of age.

That her health has been entirely ruined, as above stated, by reason of the maltreatment and exposures and sufferings endured by her during the said captivity, for which she urges in justice to herself that the Government ought to pay her at least a reasonable compensation, not less than two or three thousand dollars. And that her former applications have been made with the idea simply of receiving compensation in that way without reference to loss of any particular articles of property. That two or three thousand dollars in fact is no just compensation for the destruction of her physical health.

She further claims that she would be entitled in justice to the value of the land at the time her father and brother-in-law and their families were deprived of this property by the destruction of all their personal property and the murdering of her father and his family and her brother-in-law and his family. In fact this massacre included the entire family and all parties connected with it except the sister Mrs. Wilson, who at that time happened to be at Springfield, Minnesota, and herself. Seven persons were murdered at the time of the massacre belonging to said families. That the property at that time was well worth four to five thousand dollars, and she claims that in justice to herself it is the duty of the Government to pay her her losses by reason of the loss of the property as aforesaid. That the personal property destroyed consisted of the following articles, as far as can be recollected by your petitioner, to wit: The property of Rowland Gardner and Harvey Luce destroyed by the Sioux Indians March 8th, 1857; six yoke of working cattle, at that time of the value of not less than one hundred dollars per yoke; five cows, of the value at that time of not less than two hundred and fifty dollars; ten or twelve head of young cattle, the value of which your petitioner is unable to accurately state, but from the best information she can obtain from those who were acquainted at that time with the value of the property of a value, of not less than two hundred and fifty dollars; three lumber wagons, of the value at that time of two hundred and forty dollars; two breaking plows, ox yokes and chains, of the value of from ninety to one hundred and ten dollars, the exact value of which can not be given by your petitioner; mowing scythes, hay-rakes, pitchforks, several hogs the number of which can not be accurately given, a large amount of poultry, seed wheat, seed corn, corn for keeping stock, potatoes, two double-barrelled guns, household goods, consisting of five beds and bedding, two cooking stoves, two tables, with the necessary dishes, knives, forks, table linen, etc., fifty yards of carpeting, two clocks, and all the personal clothing and numerous other articles which your petitioner cannot state, in all of the value of from one thousand to twelve hundred dollars.

Your petitioner further states that the evidences of this massacre and the circumstances connected with it are matters of history well understood by the Indian Department at Washington and by the reports of Major William Williams, who had charge of the rescuing party which went from Ft. Dodge, and a full report made relating thereto by the governor of the State of Iowa, James W. Grimes, and referred to in the message of said Grimes calling the attention of the legislature thereto, and in the various applications that have been heretofore made and claims made and allowed by the Department.

That your petitioner being entirely unaware of what was necessary to do, and not having the means to employ any attorney, and not being aware of the fact that any recovery

had been heretofore made for these losses, has omitted to make any claim, simply leaving the matter to the members of Congress to make such application as they saw fit without presenting any claim.

Wherefore your petitioner respectfully asks that her claim be examined and that Congress take such steps for her protection, and reimburse her for losses sustained to which she is justly entitled, as may seem meet and proper under all the circumstances in this case.

ABBIE SHARP.

Sworn to and subscribed before me by Mrs. Abbie Sharp, this 23d day of Dec., 1884, as witness my hand and official seal the day and year last aforesaid.

[SEAL.]

JOHN F. DUNCOMBE,

Notary Public, Webster County, Iowa.

EXHIBIT B.

Know all men by these presents, that I, Eliza M. Wilson (formerly Gardner), widow, of Mason City, Iowa, for and in consideration of the sum of one dollar to me in hand paid, and of other valuable considerations by me received, do hereby sell, assign, and transfer unto my sister, Abbie Gardner Sharp, of Dickinson County, Iowa (formerly of Franklin County, Iowa), all my right, title, interest, and claim as heir of our father, Rowland Gardner, and our brother-in-law, Harvey Luce, our sister, Mary Luce, and their children, all of whom were murdered by the Indians at Spirit Lake, Iowa, March 7, 1857. Also I sell and assign all and every claim, whether legal or equitable, which I may have as such heir, to receive or recover of the United States, the State of Iowa, or any person whomsoever, for and on account of the property of said persons lost or destroyed by the Indians at said time, or on account of the pre-emption claims of said Rowland Gardner and Harvey Luce which were lost by reason of their murder as aforesaid, also all and every claim or right of recovery which I may have growing out of said matters.

And I do authorize said Abbie Gardner Sharp to proceed, as she may be advised or deem best, to collect and receive or recover all or any sums of money or property which I might or could recover from any person, corporation or government whatever, on account of said estates, either in my name or otherwise, but at her own cost. Hereby authorizing her to do any and every act I might or could do in the premises.

Witness my hand and seal at Mason City, Iowa, this 10th day of Dec., A. D. 1884.

ELIZA M. WILSON. [SEAL.]

In presence of—

J. E. E. MARKLEY.

STATE OF IOWA,

Cerro Gordo County, ss :

On this 10th day of December, 1884, before me, J. E. E. Markley, a notary public in and for said county, personally came Eliza M. Wilson, widow, to me personally known to be the identical person who signed the annexed instrument as grantor, and acknowledged the execution of the same to be her voluntary act and deed.

Witness my hand and notarial seal the day and year above written.

[SEAL.]

J. E. E. MARKLEY,

Notary Public, Cerro Gordo Co., Ia.

(Indorsed :) Respectfully referred to the honorable Commissioner of Indian Affairs, with request that the claim be investigated and the merits determined. I have great confidence that the claim is a worthy one.

Very respectfully, yours,

A. J. HOLMES.

EXHIBIT C.

OSAGE, IOWA, December 5, 1884.

Mrs. ABBIE GARDNER SHARP,

Fort Dodge, Iowa :

MADAM: Your letter of 2d instant has just reached me, and I have carefully read what you say in relation to your claim against the Government.

I have referred to the Congressional Record, and find the first action was by petition from you for relief. This was referred to the Committee on Indian Affairs at my re-

quest. A bill was framed and reported to the House by a Democratic member in Major Sharght's district, and I think passed the House.

In the Forty-seventh Congress, first session, I introduced the bill (H. R. 306) for your relief as simply Abbie Sharp. It was referred to the Committee on Indian Affairs, was reported back by Mr. Richardson, of New York, with favorable recommendation of the committee, and passed the House. It was not reached in the Senate. The subsequent action you already know about. I think it was a mistake letting the bill go to the Committee on Claims. It properly belongs to the Committee on Indian Affairs.

I am, respectfully yours,

N. C. DEERING.

I have written in much haste, and fear my letter is not quite clear.

EXHIBIT D.

[From the Spencer Reporter, July 10, 1884.]

We call especial attention to the items from Okoboji, published elsewhere, contributed by Rev. J. P. Coleman. The tribute which he pays to Mrs. Abbie Gardner Sharp, the sole survivor of the Spirit Lake massacre, is no more than justice, as we can certify from a personal acquaintance with the lady.

Mrs. Abbie Gardner Sharp, the only survivor of the Spirit Lake massacre in 1857, is stopping at the Park. She was only a girl of fourteen years when captured by the Indians. Out of forty persons who were then residents of Dickinson County, this is the only one now living who was at home when the savages came. She witnessed the murder of her entire family who were then present, and with three other women was carried away by the inhuman savages to endure untold hardships and abuses. Two of the captives were afterwards murdered in her presence by the Indians. Though a little frail girl, she was compelled to wade through snow and carry a heavy pack. She is now engaged in writing a book descriptive of her capture and final ransom from the Indians. She also delivers a lecture on the same subject as a means of support while engaged in writing her history.

The people of Iowa would confer a great favor upon this sorrow-stricken woman by sending her a dollar apiece to pay the expenses of publishing her book. The writer would gladly head the list in this matter. The legislature of our State could not do a more generous thing than to confer a pension for life upon this lady. It is not at all likely that a similar case will ever again come before our people demanding a little help from their generosity. We will never know what dangers and hardships the people on those frontiers endured in developing this beautiful country. How different their condition from that of ours at the present day, surrounded, as we are, with peace and plenty, dwelling in happy homes with perfect security, while they were totally isolated from the outside world, exposed to the inclemency of the weather while traveling the trackless prairies, and the cruelties of the savages, and we, to some extent, are reaping the fruits of their labors. As a people we owe it to the brave and hardy settlers upon the shores of these enchanting lakes to see that this, the last survivor of their number, is placed beyond the reach of want. Doubtless after she has passed to that world where the "weary are at rest," some one will suggest the erection of a monument to her memory. Let us, while she is yet living, erect a greater monument by bestowing upon her that assistance which will lift the burden of labor from the remainder of her life. It certainly is no fault of hers that she has been left alone in this world, with broken health and shattered constitution, without any means of support. It would be a blot upon the fair fame of this great commonwealth to let one of its daughters, who has not only suffered indescribable miseries at the hands of cruel savages, but from those of whom better things were expected, to go down to her grave without some recognition of her services as one of the pioneers of Northwest Iowa. Her father was one of the first settlers on the shores of these beautiful lakes, having located in what is now known as Pillsbury Grove. In honor of her father, we think the name of Gardner's Grove should be retained.

People who are blessed with good homes and pleasant associations, with all the necessary comforts of life, who come here to enjoy our lake scenery, should not forget that there is one in their midst who to-day might be in the possession of a peaceful and happy home in one of the beautiful groves on the shores of the lake which has been made memorable in the history of this county, but for the inhuman savages and that other cruel monster, intemperance.

J. P. COLEMAN.

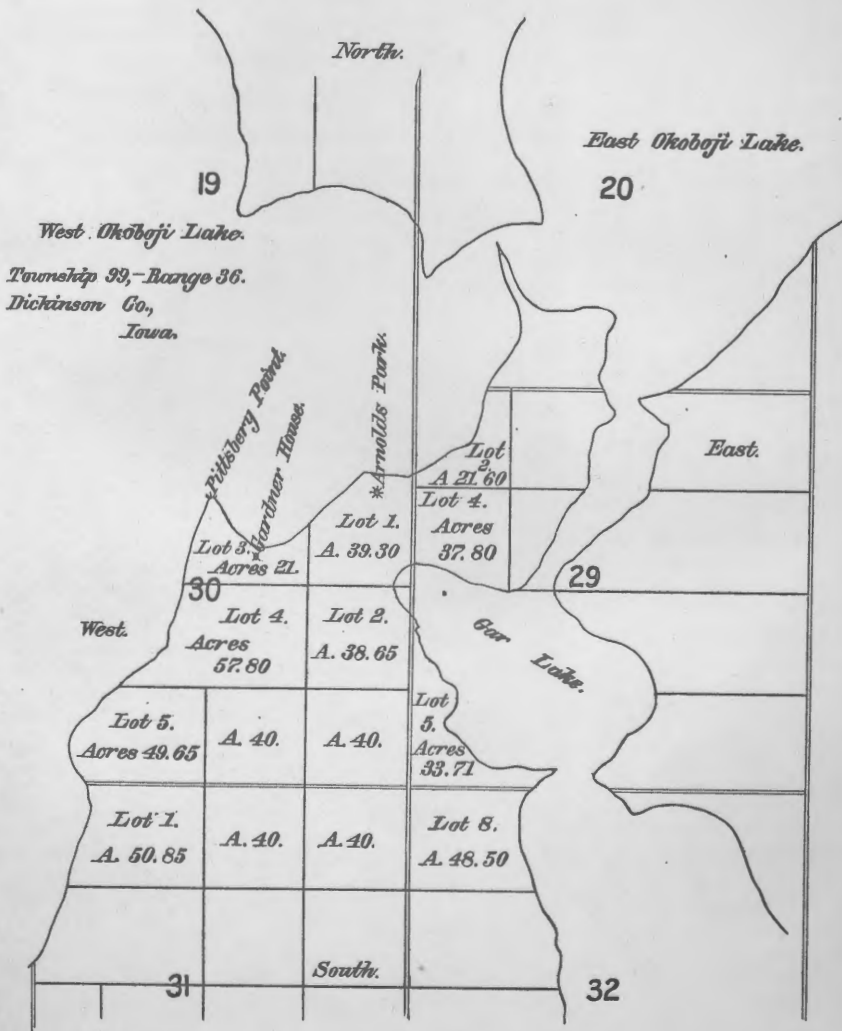
INDIAN DEPREDAATION CLAIMS.

EXHIBIT E.

We, the undersigned, having command of Companies "A" and "B," under Maj. Wm. Williams's expedition for the rescue of the fugitives from said massacre, from which companys and from Company "C" (of which company Capt. Johnson lost his life on said expedition) a detail was assigned to bury, and who did bury, the dead of the families of said Gardner and Luce, do hereby certify that from our personal knowledge at the time and since March, 1857, when said massacre occurred, we believe the allegations stated in the above memorial to be true in every particular.

Signed Dec. 24th, 1884.

JOHN F. DUNCOMBE,
Capt. of Co. B, Iowa Vol.
CHAS. B. RICHARDS,
Capt. Co. A, Iowa Vol.



H. Ex. 182.