

M. DESMARIS & CO.

JULY 14, 1888.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. WHITTHORNE, from the Select Committee on Indian Depredation Claims, submitted the following

R E P O R T :

[To accompany bill H. R. 8160.]

The Select Committee on Indian Depredation Claims, to whom was referred the bill (H. R. 8160) for the relief of M. Desmaris & Co., of Las Vegas, N. Mex., beg leave to report :

That the testimony of the witnesses in this case (ten in number) establishes these facts: That claimants were traders and merchants in the town of Las Vegas, N. Mex., in the year 1868; that in the summer of that year they purchased a large stock of merchandise in the States, and were transporting these goods from Kansas City, Mo., to Las Vegas by wagons; that there were nine wagons loaded with goods, and drawn by sixty-seven mules, employed in said transportation; on the 19th of August, 1868, while on the public highway, and during a stop for grazing and water, at a point near Fort Aubrey, Kans. a large band of Cheyenne Indians appeared and stampeded the sixty-seven mules and two horses and carried them all away. Claimants were law-abiding citizens of the United States, engaged in a lawful business on the established public highway between the States and New Mexico, and had done nothing to provoke said Indians or cause them to commit the depredation. No part of said property has been recovered by the claimants, and no compensation received therefor. Said Indians afterwards in one of their assemblies acknowledged this particular depredation. The Indians were in force too strong to be resisted and claimants were entirely at their mercy. This tribe were at the time in treaty relations with the United States Government (see 15 Statutes at Large, 593).

The value of the property taken was, as stated by the claimants, \$13,550, and the expense they were compelled to incur for the subsequent transportation of the goods, guarding the same, etc., was, as alleged, \$5,550, making a total of \$19,100. The Commissioner of Indian Affairs, under date 24th November, 1886, reported to the Department of the Interior recommending that the sum of \$8,625 be allowed in full satisfaction of the claim, and this report was approved by the Department November 27, 1886, as shown by letter of the Secretary hereto appended as a part of this report. Inasmuch as the record and the testimony upon examination sustain the finding of the Commissioner of Indian Affairs, this committee recommend the payment of the sum so found due, to-wit, \$8,625, and recommend the passage of the bill with the following amendments: Strike out in the sixth and seventh lines

the words "ten thousand two hundred and fifty dollars," and insert in lieu the words "eight thousand six hundred and twenty-five dollars." Strike out the whole of the eleventh and twelfth lines, and insert the words "the fifth day of January, 1887. See Ex. Doc. No. 77, Forty-ninth Congress, second session."

DEPARTMENT OF THE INTERIOR,
Washington, November 27, 1886.

SIR: Your report of the 24th instant, submitting the claim of M. Desmaris & Co., of Las Vegas, N. Mex., amounting to \$19,100 for compensation for depredations alleged to have been committed in 1868 by Cheyenne Indians has been considered, and your finding, viz, that claimant lost property as alleged to the value of \$8,625, with your recommendation that that amount be allowed in full satisfaction of the claim, is concurred in.

This letter is substituted for one of July 12, 1886, on this case.

The claim is hereby returned to be included by you in the list of depredation claims to be submitted to Congress as required by law.

Very respectfully,

D. L. HAWKINS,
Acting Secretary.

The COMMISSIONER OF INDIAN AFFAIRS.

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