

JOHN TAYLOR.

L E T T E R

FROM

THE SECRETARY OF THE INTERIOR,

TRANSMITTING

*Papers in the claim of John Taylor.*

JANUARY 18, 1890.—Referred to the Committee on Indian Depredation Claims and ordered to be printed.

DEPARTMENT OF THE INTERIOR,  
*Washington, January 16, 1890.*

SIR: I have the honor to transmit herewith copy of a communication of 30th September last from the Commissioner of Indian Affairs inclosing certain papers in the depredation claim of John Taylor No. 2498, which claim was transmitted to Congress in January, 1889. (See Ex. Doc. 103, Fiftieth Congress, second session.)

The papers referred to were returned to the Indian Office from the House of Representatives on the 23d of September, 1889, and are as follows:

Affidavit of John H. Taylor, claimant; affidavits of Alexander McNary and Wallace G. Bishop; copy of Indian agent's report dated December 14, 1881; office letter of May 11, 1882, and Department letter of July 19, 1882.

The Commissioner states that this testimony does not, in the opinion of his office, justify any change in the conclusions heretofore reached in this case, and in compliance with his recommendation the papers are herewith returned with the request that they be filed with the above claim.

Very respectfully,

JOHN W. NOBLE,  
*Secretary.*

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
*Washington, September 30, 1889.*

SIR: On December 15, 1888, this office made a report on depredation claim No. 2498 of John H. Taylor; amount, \$2,025, and pursuant to Department letter of December 18, 1888, the claim, with all the papers on

file, was transmitted to Congress. January, 1889 (Ex. Doc. 103, Fiftieth Congress, second session).

On the 23d instant, the following papers were returned to this office from the House of Representatives, by virtue of the act of March 3, 1885:

Affidavit of John H. Taylor, the claimant; affidavits of Alexander McNary and Wallace G. Bishop; copy of Indian agent's report, dated December 14, 1881; office letter of May 11, 1882, and Department letter of July 19, 1882.

This testimony does not, in the opinion of this office, justify any change in the conclusions heretofore reached in the case, and I have the honor to recommend that these papers (which are herewith inclosed) be transmitted to Congress to be filed with above claim.

Very respectfully,

R. V. BELT,  
*Acting Commissioner.*

The SECRETARY OF THE INTERIOR.

---

DEPARTMENT OF THE INTERIOR,  
*Washington, July 19, 1882.*

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 John H. Taylor for compensation on account of depredations alleged to have been committed by Indians of Oregon Territory, amounting to \$2,025.

A report of the Commissioner of Indian Affairs, dated May 11, 1882, 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 of the investigation of such claims.

He recommends an allowance of the sum of \$1,725 as the probable value of the property charged for, viz:

6 mules, at \$300 each .....	\$1,800
6 pack-saddles, at \$20 each .....	120
4 covers, at \$7 each .....	28
14 gunny sacks, at 50 cents each .....	7
7 lash ropes, at \$6 each .....	42
7 head-halters, at \$4 each .....	28
	2,025

The claim is alleged to have originated in 1856, was filed in 1859, but not investigated until 1881.

The tribe of Indians committing the depredation is not mentioned. The witnesses testified in 1857 from personal knowledge, being present with the train at the time and place of depredation.

The investigation made by Agent Milroy in 1881 does not throw any additional light on the case.

This claim to the extent of charges for property spoliated at proper prices is probably a just one.

The testimony, however, is entirely *ex parte*, and the long delay in action on the case has probably put it out of the power of the claimant or the Department to throw more light on the case by further proof.

It is submitted for such action as Congress may find to be right and proper.

Very respectfully,

H. M. TELLER,  
*Secretary.*

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

---

TERRITORY OF OREGON, *Jackson County, ss:*

Personally appeared before the undersigned, one of the justices of the peace in and for Jackson County, John H. Taylor, and after being duly sworn deposes and says, to wit: My pack train was in charge of Alexander McNary and Solomon Fagle on the

sixth day of July, A. D. 1856, and while crossing the Siskiyou Mountain on that day the train, and McNary and Fagle, and Wallace Bishop, who was with them, was attacked by the Indians to the best of his belief and knowledge, and the said Fagle was killed by the first fire of the Indians, also 4 mules belonging to me was killed on the spot and 2 mules was missing, together with all the rigging thereunto belonging, consisting of and valued as follows: 6 mules, at \$300 each; 6 pack-saddles, at \$20 each; 4 covers, at \$7 each; 7 head halters, at \$4 each; 14 gunny sacks, at 50 cents each; 7 lash ropes, at \$6 each, amounting to \$2,043.\* All of said property was taken or destroyed by the Indians and no part ever recovered, for the loss of which and for damages sustained by the loss of the above-described property the Territory of Oregon is justly indebted to him in the full sum above written.

In witness whereof he has hereunto set his hand and seal this the day of A. D. 1857.

JOHN H. TAYLOR. [L. S.]

Subscribed and sworn to before me this the 17th day of February, A. D. 1857.

H. W. CLAYTON,  
Justice of the Peace.

**TERRITORY OF OREGON, County of Jackson, ss :**

I, J. B. Sifers, a notary public in and for the county and Territory aforesaid, hereby certify that H. W. Clayton, whom the within and foregoing affidavit was subscribed and sworn to before, and who has thereunto set his hand, was at the time of so doing a justice of the peace in and for the county and Territory aforesaid duly commissioned and sworn.

In testimony whereof I have hereunto set my hand and seal of my office at Jacksonville, in said county and Territory, this 17th day of February, A. D. 1857.

[SEAL.]

J. B. SIFERS,  
Notary Public, Jackson County, Oregon.

**TERRITORY OF OREGON, Jackson County, ss :**

Personally appeared before the undersigned, a justice of the peace in and for said county, Alexander McNary, and after being duly sworn deposes and says, to wit: I had John H. Taylor's pack train in my charge on the 6th day of July, A. D. 1856, and while crossing the Siskiyou Mountain, in company with Solomon Fagle and Wallace Bishop, we were attacked by the Indians on the mountain the 6th day of July, 1856 which resulted in the death of said Fagle and 4 mules belonging to the said John H. Taylor, and 2 other mules was missing belonging to Taylor, together with all the appurtenances thereunto belonging, consisting of pack-saddles, lash ropes, covers, head-halters, gunny sacks, blankets, etc., which to the best of my belief and knowledge the Indians took away or destroyed, none of which Taylor ever recovered.

In witness whereof I have hereunto set my hand and seal the 14th day of February, A. D. 1857.

ALEXANDER McNARY. [L. S.]

Subscribed and sworn to before me this 14th February, A. D. 1857.

WM. HOFFMAN,  
J. P., J. C. O. T.

**TERRITORY OF OREGON, County of Jackson, ss :**

I, J. B. Sifers, a notary public in and for the county and Territory aforesaid, hereby certify that William Hoffman, before whom the within and foregoing affidavits were subscribed and sworn to, and who has thereunto set his hand, was at the time of so doing a justice of the peace in and for said county and Territory, duly commissioned and sworn, and that his signature thereunto attached is genuine.

In testimony whereof I have hereunto set my hand and affixed my seal of my office at Jacksonville, in said county, this 14th day of February, A. D. 1857.

[SEAL.]

J. B. SIFERS,  
Notary Public, Jackson County, Oregon.

**TERRITORY OF OREGON, Jackson County, ss :**

Personally appeared before the undersigned, a justice of the peace in and for said county, Wallace Bishop, and, after being duly sworn, deposes and says, to wit: I was with Alexander McNary and Solomon Fagle, who had charge of John H. Taylor's pack train on the 6th day of July, A. D. 1856, at the time, and in crossing the Siskiyou, and at the time the attack was made by the Indians on the train of John Taylor, Alexander McNary having his train in company, Solomon Fagle was killed by the

\* Foots up \$2,025.

first fire of the Indians; also 8 mules was killed, 4 of Taylor's and 4 of McNary's, and 2 mules belonging to Taylor and 2 mules and 1 horse belonging to McNary was taken by the Indians, together with all the articles of property described in the affidavit of John H. Taylor, and to the best of my belief and knowledge, the said John H. Taylor has never recovered the said property or any part thereof.

In witness whereof I have hereunto set my hand and seal this 17th day of February, 1857.

WALLACE G. BISHOP. [L. S.]

Subscribed and sworn to before me this 17th day of February, A. D. 1857.

H. W. CLATOR,  
J. P.

---

UNITED STATES INDIAN SERVICE,  
PUYALLUP, NESQUALLY, ETC., AGENCY,  
*Olympia, Wash., December 14, 1881.*

SIR: I report the following upon the Indian spoliation claim of John H. Taylor, for \$2,053. The proofs filed in support of this claim do not accord with the requirements of the rules and regulations prescribed sixteen years after said claim accrued, but are sufficient to show that the property named was lost by an Indian spoliation in time of war and that the claim is just.

Respectfully,

R. H. MILROY,  
*U. S. Indian Agent.*

Hon. COMMISSIONER INDIAN AFFAIRS.

---

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
*Washington, May 11, 1882.*

SIR: I have the honor to submit herewith the claim of John H. Taylor, filed in this office in 1859, amounting to \$2,025, on account of depredations alleged to have been committed by Indians in 1856, no tribe being mentioned.

The claimant in his sworn declaration of February 17, 1857, states that his pack train, in charge of Alexander McNary and Solomon Fogle, and accompanied by Wallace Bishop, on the 6th day of July, 1856, and while crossing the Siskiyou Mountain, was attacked by Indians, which resulted in the death of said Fogle and the destruction of his pack train, consisting of six mules and other property valued at \$2,025, as shown by the declaration, and that no part of said property was ever recovered.

In support of his claim he files the affidavits of Alexander McNary and Wallace Bishop, who were with the train at the time of the attack, and who corroborate the statements made in the declaration.

Agent R. H. Milroy, to whom the claim was referred for examination, and a copy of whose report dated December 14, 1881, is herewith submitted, sustains the justness of the claim.

I am satisfied the depredation occurred as stated, and the claimant should recover the amount of loss actually sustained, and I am inclined to think that \$1,725 would have replaced the property lost, which amount it is therefore recommended may be appropriated to indemnify Mr. Taylor for his loss, to be paid from public funds, there being no funds due any of the Indians in Oregon or Washington Territory under treaty stipulations.

Very respectfully, your obedient servant,

E. S. STEVENS,  
*Acting Commissioner.*

Hon. H. M. TELLER,  
*Secretary of the Interior.*