

RAYMOND BROS.

LETTER

FROM

THE SECRETARY OF THE INTERIOR,

TRANSMITTING

Papers in the claim of Raymond Bros.

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, 1889, from the Commissioner of Indian Affairs, inclosing certain papers in the depredation claim of Raymond Bros., No. 1809, which claim was transmitted to Congress in January, 1888. (See Ex. Doc. 34, Fiftieth Congress, first 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 Winthrop Raymond; affidavits of James B. Snapp and John H. Scamland; Office letter of September 23, 1879, and Department letter of February 17, 1880.

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 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 June 27, 1887, this office made a report on depredation claim No. 1809, of Raymond Brothers, amount, \$3,800; and pursuant to Department letter of June 28, 1887, the claim, with all the papers then on

file, was transmitted to Congress January, 1888. (Ex. Doc. 34, Fiftieth Congress, first session.)

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

Affidavit of Winthrop Raymond; affidavits of James B. Snapp and John H. Scanland; Office letter of September 23, 1879, and Department letter of February 17, 1880.

This testimony does not, in the opinion of this office, justify any change in the conclusions heretofore reached in this 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.

TERRITORY OF MONTANA, County of Madison, ss :

Before me, the undersigned, the clerk of the district court of the first judicial district of the Territory of Montana, in and for the county of Madison, on this 25th day of January, A. D. 1879, personally came Winthrop Raymond, who, being by me first duly sworn according to law, deposes and says: My name is Winthrop Raymond; my age is thirty-one years; I reside at Virginia City, in the county of Madison, and Territory of Montana; I am a member of the firm or copartnership of Raymond Brothers, which copartnership or firm is composed of my brother, William H. Raymond and myself; that said firm is doing business at said Virginia City, Mont., and elsewhere, their principal place of business being at said Virginia City, and Madison County, Mont.; that (among other things) the said Raymond Brothers are engaged in the business of importing from Kentucky and other States, to their ranch, situated in the Sweet Water Valley, in Madison County, Mont., fine and improved studs (horses and mares), and in raising, producing, or breeding fine and improved horses at their said ranch; that they have been so engaged in such business for the four (4) years last past, and were so engaged at their said ranch in the month of August, A. D. 1878; that on or about the 20th day of August, A. D. 1878, the hostile Bannack Indians, who were then "on the war path," and were then raiding through some of the settled and other portions of Montana (said Indians being the Fort Hall band of Bannacks, and theretofore under the leadership of "Buffalo Horn" and others of their chiefs and head men), made a raid upon the ranch, herding and grazing lands of the said firm, and then and there stole and drove away therefrom thirty-four head of fine brood mares, young horses, and colts, of the property and chattels of the said firm of Raymond Bros.; that the mares so stolen and taken away by the said hostile Indians, were imported to their said ranch by the said firm of Raymond Bros. from Kentucky and other States, as aforesaid, and possessed fine strains of blood, and were of the improved breeds and of some of the best trotting families of horses in the said State of Kentucky and other States, as aforesaid, and were very valuable as brood mares and for the purposes of breeding fine horses; that the young horses and colts so stolen and taken by the said hostile Bannack Indians, as aforesaid, were the descendants of the said and other brood mares of equal value and breeds, from horses (stallions), also imported from Kentucky and other States, of great value for their purpose of breeding; that all of the said mares were with foal by the fine stallion of the said Raymond Bros., called and known as Commodore Belmont, and were more valuable from that fact; that said thirty-four head of mares, young horses, and colts, so stolen and taken away by the said hostile Bannack Indians, as aforesaid, with the exception of those thereof which had been theretofore recovered by the said firm of Raymond Bros., as herein-after stated, were known to be in the camp and possession of the said hostile Indians at the time of the attack made upon them, the said hostile Indians, by a portion of the United States troops under the command of General Nelson A. Miles, Colonel of the Fifth Infantry, United States Army, on or about the 5th day of September, 1878, near Clark's Fork Cañon (said Clark's Fork being a tributary of the Yellowstone River), and within the limits of Crow Indian Reserve; that the force then at the disposal for immediate use of General Miles being small, and, as aforesaid, is informed and believes, too small to warrant him in attacking the said hostile Indians, he, the said

General Miles, in order to induce some friendly Indians belonging to the Crow tribe of Indians, promised them all the horses they might be able to capture from the said hostile Bannack Indians in case they would join his force of troops and assist in making an attack upon the said hostile Bannacks, and that they might keep as their own all horses by them so captured, said General Miles being at that time unaware of the fact that the said Bannacks had in their possession any horses stolen by them from settlers; that some of the said mares, horses, and colts so stolen and taken from the said firm of Raymond Bros. by the said hostile Bannack Indians were killed in the said battle between the said Bannacks and the troops under the command of the said General Nelson A. Miles, on the said 5th day of December, A. D. 1878; that some and others of the said mares, horses, and colts were captured by the said Crow Indians at, during, and subsequent to the said battle.

Affiant further states that the said Raymond Bros. have been put to, and necessarily were compelled to and did expend large sums of money and consume much time in following the said hostile Bannacks for the purpose of recovering their said property so stolen by the said hostile Bannacks.

That after the battle hereinbefore mentioned the said Raymond Brothers obtained an order from the said Nelson A. Miles, colonel of the Fifth Infantry, U. S. Army, and commander of the district of the Yellowstone, for the return of the said property, if any thereof could be found within his said military district, which order bore the date of November 23, 1878.

That the said Raymond Brothers have recovered 15 head of the said 34 head of the horses, mares, and colts, so stolen from them by the said hostile Bannacks, but have been unable to recover or secure the return of the other 19 head thereof, after having made every possible effort in their power so to do.

Affiant further states that the average value of the said 19 head of mares, horses, and colts so stolen by the said hostile Bannacks and not recovered or returned to the said Raymond Brothers, was and is the sum of \$200 per head, amounting in the aggregate to the sum of \$3,800.

Wherefore affiant and his said copartner pray that they be recompensed by the Government or the Department of the Interior in the loss they have sustained as aforesaid, and further says not.

WINTHROP RAYMOND.

Subscribed and sworn to before me this 25th day of January, A. D. 1879, and I do hereby certify that the said Winthrop Raymond is a respectable person, to whose affidavit full faith and credit are due, and should be given; that the foregoing affidavit was read by him before his name was subscribed, or he was sworn thereto.

Witness my hand and seal of office the day and year aforesaid.

[SEAL.]

THEO. MUFFLY,

Clerk U. S. First Judicial District Court for Montana.

TERRITORY OF MONTANA, County of Madison, ss :

Before me, the undersigned, the clerk of the district court of the first judicial district of the Territory of Montana, in and for the county of Madison, on this 25th day of January, A. D. 1879, personally came James B. Snapp, who being by me first duly sworn, according to law, deposes and says: My name is James B. Snapp; my age is forty-two years; I reside at Home Park Rancho, in the county of Madison, Territory of Montana; I am engaged in raising horses and cattle; my place of residence is in the neighborhood or vicinity of the ranch of the Raymond Brothers, in said county; I have heard read the foregoing affidavit (which is hereunto annexed) and know the contents thereof; I am cognizant and known to many of the facts therein stated, and have reason to believe that the matters and things therein stated are true. I am well acquainted with the said Winthrop Raymond, and know him to be a man of good moral character, and know that his reputation for truth and veracity is good in the said county of Madison and elsewhere, where he is known. I was one of a party of the citizens of the said county of Madison, Montana, who pursued the said hostile Bannack Indians in August, A. D. 1878, for the purpose of recovering horses by the said hostile Indians stolen from the said Raymond Brothers and other settlers and citizens. I was acquainted with the horses stolen by the said Indians from the said Raymond Brothers, and I believe that the value placed thereon by the said Winthrop Raymond, in his affidavit, to wit, \$200 per head, to be reasonable and just, and that said horses were of the average value of \$200 each; I am cognizant of the fact that the number of horses so stolen by the said hostile Indians from the said Raymond Brothers, was about the number stated in the said affidavit of Winthrop Raymond, and that the number thereof by them recovered was about the number by him stated therein; the said horses were fine and improved breeds, imported by said Raymond Brothers from Kentucky and other States, and were valuable.

Affiant further states that full faith and credit are due and should be given to the affidavit and statements of the said Winthrop Raymond. The said firm of Raymond Brothers is composed of William H. Raymond and the said Winthrop Raymond, and further deponent says not.

JAMES B. SNAPP.

Subscribed and sworn to before me this 25th day of January, A. D. 1879, and I hereby certify that the said James B. Snapp is a respectable person to whose affidavit full faith and credit are due and should be given; that the foregoing affidavit was read to said deponent previous to his name being signed thereto.

Witness my hand and official seal on the day and year last aforesaid. Done at Virginia City, in the county of Madison, Mont.

THEO. MUFFLY,

Clerk U. S. First Judicial District Court, for Montana.

TERRITORY OF MONTANA, *County of Madison, ss :*

Before me, the undersigned, the clerk of the district court of the first judicial district of the Territory of Montana, in and for the county of Madison, on this 25th day of January, A. D. 1879, personally came John H. Scanland, who, being first duly sworn according to law, on his oath deposes and says: My name is John H. Scanland; I reside at Virginia City, Madison County, Mont.; my age is thirty-eight years, and I am by occupation the proprietor of a livery and feed stable, and buying and selling horses; I have been engaged in this business for the _____ years last past.

I am well acquainted with William H. Raymond and Winthrop Raymond, comprising the firm of Raymond Brothers, doing business in the city of Virginia and county of Madison, Mont.; that I have known the said William H. Raymond and Winthrop Raymond, and been acquainted with them for thirteen years last past; that the said Winthrop Raymond is a man of good moral character, whose reputation for truth and veracity in said city, county, and Territory, and wherever he is known, and among those who know him is unimpeachable, and that all his statements under oath are entitled to and should receive full faith and credit. I have read the annexed affidavit of the said Winthrop Raymond and know the contents thereof, and I believe and have good reason to believe that all the facts therein stated are true; many of the facts therein stated are within my own personal knowledge, viz: That the Raymond Brothers were and are the owners of the horses and mares and colts therein mentioned, that they were stolen and taken away by the said hostile band of Bannack Indians, and that nineteen of said mares, horses, and colts were never recovered by the said Raymond Brothers; that the said horses were of the average value of \$200 per head, and that the said Raymond Brothers were put to and did expend much time and money in attempting to recover the said horses so stolen and taken away by the said Bannack hostiles, and that they used every effort and exertion to recover their said property that was possible, are all facts within my own personal knowledge, and I hereby affirm and corroborate Winthrop Raymond's statements in that particular. And further deponent says not.

JOHN H. SCANLAND.

Subscribed and sworn before me on this 25th day of January, A. D. 1879, and I hereby certify that the said affidavit was read by the said John H. Scanland before his name was subscribed or he was sworn thereto, and that the said John H. Scanland is a respectable person to whose affidavit and statements full faith and credit are due.

Witness my hand and seal of office at Virginia City, Madison County, Mont., on the day and year aforesaid.

[SEAL.]

THEO. MUFFLY,

Clerk U. S. First Judicial District Court, for Montana.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, September 23, 1879.

SIR: I have the honor to submit herewith for your action a claim of "Raymond Brothers" for \$3,800 on account of depredations alleged to have been committed by the Bannack Indians in 1878.

Winthrop Raymond, of the firm of Raymond Brothers, in his sworn declaration, dated January 25, 1879, states that he is a resident of Virginia City, in the Territory of Montana, that he with his brother, William H. Raymond, form the firm of Raymond Brothers; that said firm, among other things, have been engaged, for the past

four years, in the business of importing from Kentucky and other States, to their ranch situated in Sweet Water Valley, in Madison County, Mont., a fine and improved stock of horses, and in raising and breeding such horses; that on or about the 20th of August, 1878, the Fort Hall band of hostile Bannack Indians, under the leadership of "Buffalo Horn," and other of their chiefs and headmen, made a raid on claimants' ranch, and stole and drove away therefrom of said stock 34 head of fine brood mares, young horses, and colts, the property of said firm, and which were afterwards known to be in the camp of the hostile Bannacks; that with the assistance of General Nelson A. Mills, claimants have recovered 15 head of the stock stolen, but have been unable to recover or secure the return of the other 19, although every effort has been made to do so; and that the average value of the stock unrecovered is \$200 per head, amounting in the aggregate to \$3,800.

The claimants in their declaration give only a general description of the stock stolen. They do not place any distinct valuation upon each animal alleged to have been taken. They also fail to show that they have not received compensation in whole or in part for their loss, or endeavored to obtain private satisfaction therefor. The declaration is otherwise materially defective.

Accompanying the claim and in support thereof, are the affidavits of James B. Snapp and John H. Scanland.

The former avers that he resides at his ranch, situated in Madison County, Mont., in the neighborhood of the ranch of Raymond Brothers, whom he knows to be men of good character and reputation, and has reasons to believe that the statements made by Winthrop Raymond—one of the firm of Raymond Brothers—are true, as many of the facts stated by him lie within his personal knowledge; that affiant was one of a party who pursued said hostile Bannacks in August, 1878, in order to recover the stock stolen from Raymond Brothers and others; and that he believes the number of horses, colts, etc., stolen from said firm and the number subsequently recovered by them, is as stated in the declaration of Winthrop Raymond. He also avers that from his knowledge of the stock unrecovered he believes them to be worth about \$200 per head.

John H. Scanland in his affidavit alleges that he is a resident of Virginia City, in Montana Territory, and is proprietor of a livery stable; that he is well acquainted with Raymond Brothers, who are men of good moral character, etc., and entitled to credit; that the stock mentioned in the claimant's declaration was the property of Raymond Brothers, and was stolen by the hostile Bannacks; and that nineteen of said horses, mares, and colts, valued at \$200 each, have never been recovered, although every effort has been made to do so. Affiant also avers that he has good reason to believe that all the statements contained in the declaration of Winthrop Raymond, of the firm of Raymond Brothers, are true.

Neither of these deponents state when the depredation was committed, nor do they set forth any of the circumstances connected therewith. They have no personal knowledge of many of the facts stated, and their affidavits do not comply with the requirements of the Department in such cases.

It is not shown by the declaration or otherwise that the stock mentioned was being properly guarded or cared for, at the time it was taken, or that the loss thereof was not occasioned by the carelessness or negligence of the claimants or their employés.

The agent reports that the Indians in council aver that they have no personal knowledge of the alleged depredation, and if said property was stolen it must have been taken by the Bannack Indians who were on the war-path, none of whom are now on the reservation.

In view of the facts herein set forth, and as the allegations of the claimants are incomplete and unsubstantiated by sufficient evidence, I respectfully recommend that the claim be disallowed.

Very respectfully, your obedient servant,

E. J. BROOKS,
Acting Commissioner.

THE SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR,
Washington City, February 17, 1880.

SIR: In compliance with the terms of the seventh section of the act approved May 29, 1872, entitled "An act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1873, and for other purposes," I have the honor to transmit herewith the claim of Raymond Brothers, amounting to \$3,800 for compensation on account of depredations committed by Bannack Indians.

A letter (copy inclosed), dated the 23d day of September, 1879, from the Commissioner of Indian Affairs, reporting the nature, character, and amount of said claim, is accompanied by the evidence presented in support thereof, and shows the action taken by that officer under the rules and regulations prescribed by this Department for the investigation of such claims; all which is respectfully submitted for the consideration of Congress as contemplated by said seventh section of the act aforesaid.

Very respectfully, your obedient servant,

C. SCHURZ,
Secretary.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

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