

IN THE SENATE OF THE UNITED STATES.

JANUARY 9, 1874.—Ordered to be printed.

Mr. SCOTT, from the Committee on Claims, submitted the following

REPORT:

*The Committee on Claims, to whom was referred the memorial of the Walnut Grove Gold Mining Company, praying compensation for property destroyed by Apache Indians in Arizona during the years from 1864 to 1869, have had the same under consideration, and submit this report:*

By act of Congress, approved June 30, 1864, (4 Stat., 731, sec. 17,) the United States did provide for compensation to be made under certain regulations to persons residing in any State or Territory, for property destroyed by Indians passing from the Indian country into such State or Territory, and a "guarantee to the party so injured an eventual indemnification.

Apparently, under the act of 1834, or under the act of 25th May, 1872, which does not repeat the above greater guarantee, this claim has been examined by the Commissioner of Indian Affairs, who, in his report of January 5, 1873, says that the claim is not without merit, but the amount of loss actually sustained by the direct acts of the Indians is difficult to determine, and recommends that the case be submitted to Congress for its action, with the remark that it was not submitted within the time required by the act of 1834.

Upon an examination of the case this committee find that the act of 1834, under which, apparently, the claim is made, has been repealed by the act of February 28, 1859, (11 Stat., 401, sec. 8,) so far as it provides for indemnification by the United States out of the Treasury for such losses, with the proviso "that nothing herein contained shall be so construed as to impair or destroy the obligation of the Indians to make indemnification out of the annuities, as prescribed in the act."

Evidently it was the intention, that whatever losses were sustained by said depredations should, when ascertained, be retained out of the annuities due the Indians, and not paid out of the Treasury. Whatever amount therefore may be found due these memorialists should be retained out of the annuities due the Indians committing the depredations, if there be any due them; and as this is a question that should be dealt with by the Committee on Indian Affairs, it is asked that the Committee on Claims be discharged from the further consideration of the memorial, and that it be referred, with this report, to the Committee on Indian Affairs.