

CLAIMS FOR SPOILIATIONS COMMITTED BY INDIANS AND MEXICANS.

[To accompany Bill H. R. No. 728.]

MAY 18, 1860.

Mr. REAGAN, from the Committee on Indian Affairs, made the following

REPORT.

The Committee on Indian Affairs, to whom was referred the joint resolutions of the legislature of the State of Texas, approved February 14, 1860, beg leave to report the accompanying bill, No. 728, in response to the third resolution of the series referred to them, and recommend its passage.

Said resolution is as follows :

“SEC. 3. That our senators and representatives be requested to endeavor to obtain an indemnification to our citizens for property taken or destroyed by the Indians, and for losses sustained by the Cortinas difficulties on the Rio Grande frontier, and the appointment by the United States of a commission to examine personally, through the different portions of our frontier, the claims of our citizens.”

By reference to the files of petitions and memorials presented to the two branches of Congress during several years past, it is found that many have been presented by citizens living on the frontier of Texas, for indemnity for Indian spoliations, none of which have received the favorable action of Congress. It is manifest to your committee that, from the alarming extent of these depredations, running, as they do, through several years successively, and without intermission, and becoming of more frequent and distressing occurrence every year, steps should be taken by Congress to ascertain, on reliable evidence, their extent and character, and by what tribes committed, so as to secure to them, as far as possible, in conformity with the policy of the government, indemnity for past losses and security for the future. Most, if not all, of the tribes supposed to have committed these depredations, except those residing in the republic of Mexico, have treaties of amity with this government, and many of them are now in the yearly receipt of annuities, in some form, under these treaties. The policy adopted in our Indian intercourse laws is, in such cases, to hold them responsible for depredations committed by their several tribes, and to deduct a sufficiency from their annuities to reimburse those upon whom they have committed depredations for their losses. The Indian in-

tercourse act has never been extended over the territory of Texas, and hence, from no fault or neglect of the citizens, they have had no means of complying with the provisions of that act; and your committee conceive it would be manifestly unjust to them to deny them relief against such wrongs because of the neglect of the government to extend to them such beneficial laws as are extended to citizens of every other part of the republic subject to like depredations. The government is also charged with the duty of protecting its citizens against such depredations, and the question may arise as to whether it has not incurred some liability to them by its failure to give a reasonably adequate protection. But your committee do not deem it necessary to pass an opinion on this question in advance of a knowledge of the necessary facts to enable them to come to a correct conclusion. These facts may be brought to view by the investigation which is directed to be made by the accompanying bill. This bill also provides for the ascertainment of the extent and character of the depredations committed by Indians residing in Mexico and by citizens of Mexico. Good neighborhood, as well as treaty obligations, require that government to restrain its citizens from the commission of such depredations, and to prevent, as far as it has the means of doing so, the Indians residing on its territory from committing such depredations; and it is due to our citizens that the extent and character of these two classes of depredations be ascertained, so that the matter may be brought to the attention of that government, and if it has been derelict in its duty in not restraining its citizens and the Indians residing on its territory, that it may be held responsible for them.

The legislature of the State of Texas has repeatedly, since the year 1853, passed joint resolutions representing to the federal government that the citizens of the State were suffering losses by the marauding bands of Indians who infest the frontier of that State, asking for additional military protection, and memorializing Congress to assist the citizens in enforcing their claim for indemnity for spoiliations so committed. And the legislature of that State has been obliged, by the horrid, continually repeated, and shocking enormity of Indian massacres, robberies, and thefts which have been going on for the past several years, and which have been more alarming recently than formerly, and in the absence of the necessary military protection by the federal government, to raise State troops, and appropriate large sums of money out of the State treasury to keep them in the field, for the necessary protection and defence of the lives and property of her citizens against these Indian incursions. The State has now in the field a force supposed to amount to near or quite a thousand men, at State expense. The State treasury is exhausted. The State is becoming involved in a considerable debt to enable it to give such protection to life and property there as is demanded, not only by sound policy and patriotism, but also by the dictates of humanity and common justice. And it is feared there is little prospect at present of the federal government extending to its citizens there the necessary military protection, or reimbursing the State for the expenditures it has necessarily incurred for this purpose. This view of the condition of that frontier now, and for several years past, is fully sustained by the correspond-

ence of successive military commandants of the military department of Texas with the War Department, and with the commander-in-chief of the United States army; and between successive governors of Texas and the successive military commandants of the department of Texas; and between said governors and the President of the United States, and Secretary of War, and by the official reports of the Superintendent of Indian Affairs and Indian agents of Texas to the Secretary of the Interior.

As indicating something of the extent and character of the losses sustained by our citizens by these depredations, and the necessity for the investigation proposed by the accompanying bill, your committee present the following extracts, with their proper dates, from the correspondence and reports above referred to.

The correspondence above referred to, which occurred before 1858, has not been called for by the House and printed, hence it will not be convenient to give extracts from the letters of General Percifer F. Smith and General Twiggs, the respective military commandants of the department of Texas, from 1853 to 1858, nor of the letters of Governors Bell and Pease, of Texas, for the same period of time, who, during their respective administrations, which covered this time, repeatedly presented the suffering condition of our frontier to the proper federal authorities, and repeatedly called out State troops at the expense of the State, for the protection and defence of the citizens. But this correspondence was similar in character with that which we proceed to give. Herewith we annex small portions only of the official information referred to, and first a letter from Governor Runnels to General Twiggs, as follows:

“EXECUTIVE OFFICE,
“*Austin, January 9, 1858.*

“SIR: I have the honor to acknowledge the receipt of your communication bearing date, headquarters, January 6, 1858, enclosing copies of the communications of G. R. Paul, captain of 7th infantry and brevet major, U. S. A., dated December 18, 1857, and of Major R. S. Neighbors, dated December 9.

“This office is now in possession of information as late as the 2d and 3d of January, 1858, from the counties of Erath and Bosque, giving intelligence of new and additional depredations on that frontier; since the date of the communications you have been pleased to enclose, several citizens and one negro have been murdered, a boy has been taken into captivity, and a large amount of property stolen. The frontier citizens are under arms, and the highest degree of excitement prevails. Of the one hundred men which have been called out by the State, there is one company of twenty stationed in that immediate vicinity, but owing to the vast extent of country exposed and the smallness of their numbers, they have been found inadequate for its protection.

“I therefore beg leave, respectfully, to request that you will cause such mounted force as you may be able to spare from other service to be removed to that frontier, and if you have not such disposable force, that you will authorize the raising of two or three companies of

mounted men by the authorities of the State, for three or six months, as circumstances may require, with as little delay as possible, in order to meet the existing emergency.

"I am, sir, very respectfully, your obedient servant,

"H. R. RUNNELS.

"D. E. TWIGGS, *Brev't. Maj. Gen'l U. S. A., Com'g. Dept.*"

"HEADQUARTERS DEPARTMENT OF TEXAS,

"*San Antonio, January 13, 1858.*

"SIR: Yours of the 9th of January is received. An express will be sent immediately to the posts of Fort Mason and Camps Cooper and Colorado to send a portion of their command in pursuit.

"I regret to say I am not authorized to call for volunteers, and can only employ the force now at my disposal.

"I am, sir, very respectfully, your obedient servant,

"D. E. TWIGGS,

"*Brevet Major General, United States Army,*

"*Commanding Department.*

"His Excellency the GOVERNOR OF TEXAS,

"*Austin, Texas.*"

No. 4.—*General Twiggs to Army Headquarters.*

HEADQUARTERS DEPARTMENT OF TEXAS,

San Antonio, January 20, 1858.

SIR: Enclosed herewith I transmit a copy of the Indian agent's report to the superintendent of Indian affairs. By it you will perceive he has attributed the robberies, murders, and thefts in Texas to parties of Indians who in summer receive, on the Arkansas river, presents of arms and ammunition. The agent (Major Neighbors) represents those Indians to be Comanches, Kioways, and Kickapoos, and to be the depredators on the Texas frontier, and are the same Indians that receive arms and ammunition on the Arkansas river. One of the guns I have in my possession. As I do not understand the policy of the government in arming those Indians who, it is notoriously known to be those that are harassing the Texas frontier, I do not complain of it, but think it strange that such things are. The losses for the last six months on the frontier are estimated at six hundred horses, some six or eight of the inhabitants killed, and other property destroyed amounting to \$60,000 or \$100,000.

I am, sir, very respectfully, your obedient servant,

D. E. TWIGGS,

Bvt. Major General U. S. A., Commanding Dep't.

Lieut. Colonel L. THOMAS,

Assistant Adjutant General U. S. A.,

Headquarters of the Army, New York city.

We give the following extracts from the report of R. H. Neighbors, superintendant of Indian affairs for Texas, to the Commissioner of Indian Affairs, of January 17, 1858. After saying he had traced certain depredations to the Kickapoos, Kioways, and middle and northern Comanches, embracing the No-co-nees, he goes on to say—

“And there can be adduced from the Comanche reserve positive proof to convict the middle Comanche bands, viz: No-co-nees and Ten-a-wish, who inhabit the region near the Wichita mountains, and the Kioways, with depredations traced to them, and from the An-ah-dah-kos and other Indians, together with the evidences of a number of our most respectable citizens, to convict the Kickapoos, who reside somewhere on the borders of the Creek nation near the Canadian fork of the Arkansas, of the murder of Mr. Skidmore in 1855, and of the depredations lately traced to them, viz: The killing of the two Mr. Kenfros, and the stealing of a large number of the horses taken from the Leon fork of the Brazos river.

“To sum up, the whole on investigation shows that there have been stolen and driven off from our frontier, since the 1st of November, about 600 head of horses, and that seven persons have been killed or captured by Indians in same time, viz: one Mr. Davis, two Messrs. Kenfro, two Messrs. Johnson and man, one Mr. Johnson’s negro, and one Mr. Johnson’s son taken captive. The amount of property destroyed and driven off is estimated by our citizens at at least \$60,000, without taking into consideration the lives that have been sacrificed.”

* * * * *

“Although your department has been notified frequently that the northern bands of Comanches, Kioways, &c., were hostile, and, in addition to their attacks on our frontier settlers, rendering our roads across the State to El Paso unsafe for travellers, as well as the transportation of the mails, they have received their annual presents at Fort Atkinson, amongst which was a portion of arms and ammunition, thus arming them the better for their attacks. It is certainly time that this policy should be abandoned, and active military measures adopted to coerce those hostile bands into subjection, and to force them to abandon their predatory habits; and I would again urge this subject upon your immediate attention.

“As it appears clear that all the Indian depredations this fall have been committed by Indians who do not properly belong to the State, but intruders from the United States Indian Territories, our citizens are preparing their papers, and claims will be urged against the general government for indemnity for the losses they have sustained.

“Hoping that you will give the subject your early attention, and that measures will be immediately adopted to relieve our frontier from those hostile attacks,

“I am, very respectfully, your obedient servant,

“ROBT. S. NEIGHBORS,

Supervising Agent Texas Indians.

“CHARLES E. MIX, Esq.,

Acting Commissioner of Indian Affairs,

Washington, D. C.”

Extract of a letter from Governor Runnels, of Texas, to the Secretary of War, of August 9, 1858.

It is manifest, from the report of Captain Ford, which, I am informed, has been adopted and forwarded by the Indian agent, that the troubles on our borders are not attributable exclusively to the wild and uncivilized bands occupying Texas soil, but in conjunction with them to some of those under treaty with the federal government, and occupying her territory.

Texas needs a protection against a continuation of the evils which have so long harassed her citizens, who thus far have petitioned for relief in vain; she has asked it through her legislature, and a portion of her delegation in Congress; as yet all efforts have availed her nothing. I now demand it as her executive, and must expect that demand to be listened to and considered at Washington; it is not just that, while other sections of the Union are receiving the protection guaranteed to them, Texas should be left with her wants unheeded, her claims unconsidered, to protect herself, and, as it appears, even against those in treaty with the general government, receiving regular annuities therefor, and are thus furnished with the means useful in making war upon and plundering our people; this fact cannot be new to the department; it was made known last winter through the Indian agents, and communicated to Washington. The Indians have gone unpunished, except only as Texas has administered it herself. The citizens remain unremunerated for their lost property, and as yet we are unapprised of any effort on the part of the government to prevent the recurrence of similar evils the ensuing fall and winter. If this state of things is to remain unchanged, it is time that Texas should know it, that she may proceed to count the cost of her own protection, however dear that cost may prove to herself, or serious the consequences it may involve. The existing state of affairs cannot be endured and Texas will not much longer acquiesce in silence, little as it may be believed by those from whom she claims a proper consideration.

The situation of affairs has required me to speak plainly on this subject; I have done so, but I trust in a proper spirit and with due respect.

In conclusion, I have only to ask that you will, without delay, call the attention of the President of the United States to the facts, that such measures may be concerted, if he deems it proper, as are obviously requisite and just to the State of Texas in the premises.

I am, sir, very respectfully, your obedient servant,

H. R. RUNNELS.

Hon. JOHN B. FLOYD,
Secretary of War.

We have evidence before us of extensive depredations committed by the Indians, from September 1858, to March 1859, too voluminous to be embraced in this report.

No. 8.—*General Twiggs to General Scott.*

“HEADQUARTERS DEPARTMENT OF TEXAS,

“*San Antonio, June 11, 1859.*

“SIR: Until recently the State of Texas has been comparatively free from hostile Comanches for several months past, but it is reported that, on the 31st ultimo, a party of two hundred came over from Mexico and were seen near Comanche Spring on the El Paso road. So long as these Indians know that the Rio Grande is the limit beyond which the United States troops cannot pursue them will the State be infested by these marauders from foreign territory.

“I am, sir, very respectfully, your obedient servant,

“D. E. TWIGGS,

“*Brevet Major General of the United States Army,*

“*Commanding Department.*

“Lieut. Col. L. THOMAS,

“*Asst. Adj. Gen., Headquarters of the Army,*

“*New York City, N. Y.”*

“HEADQUARTERS DEPARTMENT OF TEXAS,

“*San Antonio, September 16, 1859.*

“SIR: Information has been received that a family of six persons has been killed on the Rio Grande, near Fort Duncan, by the Indians. This will be, I fear, of frequent recurrence, until something is done with the Indians on the other side of the Rio Grande. It is believed that one-half of the Mexicans on the other side of the river, from fear of the Indians, give them countenance, as does the other half, to enable them to trade for plunder from our side of the river.

“Very respectfully, your obedient servant,

“D. E. TWIGGS,

“*Brevet Major General U. S. A., Commanding.*

“Lieut. Col. L. THOMAS,

“*Asst. Adj. Gen., Headquarters of the Army, New York.”*

We take the following extract from an account given by William Stone, corroborated by the statements of others, of the murder of seven citizens near Eagle Pass on the Rio Grande, and the robbery of four families of their property, on the 10th of September, 1859, under the most horrible and aggravating circumstances which the human mind can conceive.

“The two Indians seeing that they could not accomplish their object alone, halloosed and motioned to their companions, who were amusing themselves by tormenting the women and children, and destroying everything, and to crown their enjoyment, would send now and then an arrow into the body of the dead man (Worman.)

After satisfying themselves that the work of destruction was completed, they drove the women and children before them, and proceeded to the opposite houses, where they had another jollification in destroying what was there. They then went on towards the ravine, where the two Indians were guarding Mr. Lafferty, and halted about 100 yards from it, and there committed the greatest crime of crimes. Oh! what a horrible sight must this have been! What must have been the anguish of the unfortunate mother who was compelled to witness the savages ravishing her daughters, one of six and the other of ten years."

Extract from the report of R. E. Lee, brevet colonel, commandant military department of Texas, to General Scott, of March 6, 1860.

"On the night of the 3d of February the animals of residents in the immediate vicinity of Camp Colorado were driven off.

"On the night of the 17th of February the mule-yard at Camp Cooper, over which a sentinel was posted, was broken in and the whole herd driven off. Twenty-three of the animals were recovered by a party sent at daylight in pursuit, but the remainder, forty mules and three horses, were not overtaken. The force at the post was so much reduced by scouts then out that the detachment sent under Lieutenant Lowe, adjutant of the regiment, was principally composed of the band.

"The following night all the animals from the Indian agency, two or three miles distant from Camp Cooper, were stolen; and Major Thomas, as you will perceive in his report, which is herewith forwarded, is under the impression that the thieves were not Comanches. Bent's Fort, where it is conjectured the stolen animals have been sold, is above Fort Atkinson, on the Arkansas.

"On the same evening on which the animals from the Indian agency were stolen, 18th of February, a citizen residing within two miles of Fort Mason was shot, within one hundred yards of his house, by three Indians on foot. The commanding officer did not hear of the attack till next morning, when he endeavored, for three days, to discover the trail of the assassins, but without effect."

I have noticed these cases as among the most recent, and to show the audacity of the marauders.

We take the following extract from an account of an attack upon the settlements in the southwestern part of Palo Pinto county on the 7th of February, 1860:

"On Tuesday, the 7th instant, there came fifteen Indians into the neighborhood of Robert Martin, attacking several families, which were defended by brave spirits of the frontier. They succeeded, however, in approaching a defenceless house, in which were four innocent females, whom they forced from their home. A few men (perhaps three or four) pursued on their trail, and travelled but a few miles, when they found two of the captives dead, one of whom was scalped, and signs of savage brutality disfigured the persons of both. The company in pursuit became so much excited and incensed that they determined to pursue, though (having first to take care of the murdered) their force being small; they sent an express to our town for additional aid, which we could not afford, except footmen, who, in my

opinion, would have been no aid at all, the Indians having then two days the start. What they have done with the other two captives, God only knows. They have perhaps shared the fate of their two sisters ere this time. They were the daughters of a Mr. Semly, who formerly resided on the Keechi.

"The Indians had with them thirty or forty stolen horses, and were supposed to be Caddos, by their cursing the citizens whom they assaulted, in English."

The two females, above referred to as being still in the possession of the Indians, afterwards made their escape from them and reached the settlements entirely naked. One of them died the day after reaching the settlements, and the other it was supposed would die in a short time.

The following is an extract of a letter from Governor Houston, of Texas, to the Secretary of War, dated March 12, 1860:

"Now, as to my calling out volunteers, you will be able to judge of the propriety of my call when you have the facts which I present to the department before you. For the information of the department I have to state that, within the last four months, our Indian frontier, as well as some counties considered in the interior, have been exposed to ruthless depredations from the Indians, some of them within forty-four miles of our State capital. Accompanying this letter, I send the department a list of persons killed, as well as the localities in which the murders were perpetrated. In the last four months fifty-one persons were killed, and many wounded in escaping from the savages. Horses to the number of eighteen hundred have been stolen, and within the last few days seventy horses were stolen from the dragoons at Camp Cooper.

"When the orders which have been issued by the executive of Texas reach the department, they will at once show the necessity of his course, as well as the propriety of 'calling out volunteers in Texas to defend the frontier.'

"I cannot but urge most earnestly the calling out of a regiment of rangers by the federal government to protect the lives and property of our citizens."

Since the above statement was transmitted to the War Department, two other persons have been killed—one in Palo Pinto, and one in Burnett.

And in a letter from him to the people of Texas, dated March 24, 1860, he states that twelve other persons had been killed. In that letter he says:

"Our bleeding and suffering fellow-citizens on the frontier call for aid. The services of all those in a situation to respond to the call of humanity are needed to arrest the thefts, murders, and rapine, of which tidings are borne by express almost daily to the executive."

There are other proofs in this official correspondence showing that the Lipan and other tribes of Indians residing in Mexico commit their depredations on our frontier inhabitants, and pass beyond the Rio Grande with their booty, with impunity, because our troops and citizens are not at liberty to pursue and chastise them on Mexican soil, and

there is no government in that country capable of overawing them and preventing their murders, robberies, and thefts.

On the subject of the depredations by citizens of Mexico on our own citizens, we will refer to an extract from the official report of Major Heintzelman, of the army, to Colonel Lee, military commandant of the department of Texas, of March 1, 1860, which shows in part the extent to which we regarded citizens of Mexico, and the authorities of Mexico, responsible for the extensive destruction of life and property on our Rio Grande frontier; adding only that, from an examination of all the evidence presented, (and there is much of it,) we find his conclusions fully sustained.

He says: "Cortinas was now a great man; he had defeated the 'Gingos,' and his position was impregnable; he had the Mexican flag flying in his camp, and numbers were flocking to his standard. When he visited Matamoras he was received as the champion of his race—as the man who would right the wrongs the Mexicans had received; that he would drive back the hated Americans to the Nueces, and some even spoke of the Sabine as the future boundary. The lower order of Mexicans hate Americans, and the educated classes are not always exempt from this feeling. This is well shown from the difficulty we had in obtaining information. When his force and all his movements were well known in Matamoras, with daily intercourse with his camp, we were answered with vague and exaggerated accounts. Men who have lived here for years, and are united to Mexican women, could learn nothing reliable.

"A party of forty men, under Santo Cadena, joined him from Agua Leguas, in Nueva Leon, remained until they were loaded with plunder and then returned to their homes. Another party of sixty convicts escaped from prison at Victoria, in Tamaulipas, armed themselves, and, after a fight with the authorities, marched through the country to the Rio Grande, and joined him. Affairs remained in this state until we arrived here on the night of the 5th of December."

And as to the extent of the depredations committed by Cortinas and his banditti, we give the following extract from the same report:

"The whole country from Brownsville to Rio Grande City, one hundred and twenty miles, and back to the Arroyo Colorado, has been laid waste. There is not an American, or any property belonging to an American, that could be destroyed in this large tract of country. Their horses and cattle were driven across into Mexico, and there sold, a cow, with a calf by her side, for a dollar.

"At Rio Grande City, in answer to the complaints of his men that he had not fulfilled his promises, he told them that they should the next day have 'manos libres' from ten to twelve. Our unexpected arrival saved the city from being sacked and burned, and the few Americans left from murder.

"Rio Grande City is almost depopulated, and there is but one Mexican family in Edinburg. On the road this side I met but two ranchos occupied, and those by Mexicans. The jacales and fences are generally burned. The actual loss in property can give but a faint idea of the amount of the damage. The cattle that were not carried off are scattered in the chapparal, and will soon be wild and lost to

their owners. Business, as far up as Lerido, two hundred and forty miles, has been interrupted or suspended for five months. It is now too late to think of preparing for a crop, and a whole season will be lost.

"The amount of the claims for damages presented is three hundred and thirty-six thousand eight hundred and twenty-six dollars and twenty-one cents; many of them are exaggerations, but then there are few Mexicans who have put in any.

"There have been fifteen Americans and eighty friendly Mexicans killed. Cortinas has lost one hundred and fifty-one men killed; of the wounded I have no account.

"The severe punishment that this people have received it is to be hoped will long deter any one from another such undertaking. A small garrison in Fort Brown would have prevented a thought of such a thing. No people care less for the civil, and are more afraid of the military power."

The evidence on which he comes to these conclusions is given in detail, in his report, and fully justifies his conclusions.

The foregoing extracts are taken from three hundred and fifty-one pages of printed matter, containing the correspondence and evidence referred to, and is embraced in House Executive Document No. 27, of the second session, thirty-fifth Congress; and House Executive Documents Nos. 52 and 81, of the first session, thirty-sixth Congress; and Senate Executive Document, No. 21, first session, thirty-sixth Congress; and from the large mass of documents laid before Congress, with the report of the Secretary of the Interior, in relation to these frontier difficulties.

They are given as illustrative of the extent and character of these depredations, and to show the great length of time the people of that frontier have been suffering these shocking outrages and cruelties to which they have been so long exposed.

We therefore report the accompanying bill, and respectfully recommend its passage.

