

CHEROKEE INDIANS.

LETTER

FROM

THE SECRETARY OF THE TREASURY,

TRANSMITTING

An estimate from the Secretary of the Interior for subsistence and removal of certain Eastern Cherokee Indians.

FEBRUARY 11, 1885.—Referred to the Committee on Appropriations and ordered to be printed.

TREASURY DEPARTMENT,
February 10, 1885.

SIR: I have the honor to transmit herewith, for the consideration of Congress, an estimate of appropriation received from the Secretary of the Interior for the removal and subsistence expenses of certain Eastern Cherokee Indians, \$20,000.

Very respectfully,

CHARLES E. COON,
Acting Secretary.

The Hon. SPEAKER OF THE HOUSE OF REPRESENTATIVES.

DEPARTMENT OF THE INTERIOR,
Washington, February 7, 1885.

SIR: Under the direction contained in the second section of the act of July 7, 1884, I have the honor to transmit herewith, for presentation to Congress, a draft of an amendment prepared in the office of Indian Affairs appropriating the sum of \$20,000 for the settlement of the claims for expenses of certain Eastern Cherokee Indians who have removed to the Indian Territory, and for defraying the expenses of certain others of said Indians who desire to remove to the Indian Territory, &c., which the Commissioner of Indian Affairs requests may be incorporated in the deficiency or sundry civil bill hereafter to be acted upon by Congress.

A copy of the letter of the Commissioner of Indian Affairs, with inclosures noted therein, presenting the said draft of amendment with recommendations for its favorable consideration, is also herewith inclosed.

Very respectfully,

H. M. TELLER,
Secretary.

The Hon. SECRETARY OF THE TREASURY.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, February 6, 1885.

SIR: I have the honor to submit herewith a copy of a communication, dated Washington, D. C., January 2, 1885, from J. M. Bryan, agent and attorney for Cherokees, requesting that the attention of the Appropriation Committees of the House and Senate be invited to the claims of certain Cherokees, in order to secure for them the removal and subsistence money they are entitled to receive under the provisions of the treaties of 1835, 1836, 1846, and an act of Congress approved July 29, 1848 (9 Stats., p. 264).

By the eighth article of the New Echota treaty of December 29, 1835, with the Cherokees (7 Stats., p. 482), the United States agreed to remove these Indians west, the price for removal being fixed at \$20, and one year's subsistence at \$33.33 for each of such persons, who might prefer to remove themselves.

By the third article of the supplementary treaty of March 1, 1836 (7 Stats., p. 488), the sum of \$600,000 was allowed to the Cherokees, in lieu of all claims of every nature and description against the United States, including the expenses of their removal.

By the eleventh article of the treaty of August 6, 1846 (9 Stats., p. 873), the question whether the amount expended for the one year's subsistence should be paid out of Government or Cherokee funds, was submitted to the Senate for decision, as also the question if the Cherokees were to pay, whether the subsistence should be charged at a greater rate than \$33.33 per head.

The fourth section of the act of July 29, 1848 (9 Stats., 264), directed the Secretary of War to ascertain the number of Indians remaining at the ratification of the New Echota treaty (May 23, 1836), and the Secretary of the Treasury to set apart a sum equal to \$53.33 for each individual reported by the Secretary of War, upon which interest was to be paid at 6 per cent. per annum, on such per capita.

The fifth section provided for the payment of the \$53.33 for the removal and subsistence of such individual members, as might thereafter desire to remove, upon their removal west, which amount was to be charged to the general Cherokee fund, and reimbursed therefrom.

This fund, under the act of March 3, 1875 (18 Stats. 447), was applied for the education, improvement, and civilization of these Indians, after certain specific acts and payments had been effected, and, under the act of August 15, 1876 (19 Stats., 197), the balance of this fund, after certain payments therefrom, was placed to their credit upon the books of the Treasury Department, to bear interest at 5 per cent. per annum; and the Secretary of the Interior is authorized to use annually, for agricultural implements and for educational purposes among said Indians, so much of the principal of said fund as with the interest annually accruing thereon shall amount to \$6,000.

In view of the fact that Congress has determined the uses to which this fund must be applied, and the Indians are without means for their removal, I am of the opinion that Congress should furnish the necessary means to enable the Department to effect their removal as stipulated in the eighth article of their treaty of 1835.

I therefore respectfully recommend that Congress be requested to appropriate out of any moneys in the Treasury of the United States not otherwise appropriated the sum of \$20,000, or so much thereof as may be necessary to pay the cost of the removal and subsistence of

those members of the tribe who have removed, as well as those who may hereafter desire to remove, at the rate of \$53.33 per head.

I inclose herewith a draft of an amendment to be incorporated in the deficiency or sundry civil bill hereafter to be acted upon by Congress.

Very respectfully,

H. PRICE,
Commissioner.

The Hon. SECRETARY OF THE INTERIOR.

WASHINGTON, D. C., January 2, 1885.

SIR: Please find inclosed a list of claims of North Carolina Cherokees, who have removed from North Carolina to the Indian Territory, for the cost of their removal and subsistence under the eighth article of the treaty of December 29, 1835.

The majority of these claims were filed in your office November 20, 1877, and the balance in March and April, 1878. The evidence in these cases is on file and they are ready for payment. I respectfully request that you call the attention of the Appropriation Committees of the Senate and House to these claims and recommend their early payment. The cost of removal and subsistence of a part of those who removed from North Carolina to the Indian Territory was paid out of the civilization fund, which fund was subsequently reimbursed by Congress, as I am informed, and justice and right calls for the payment of these claims which have been pending for many years. Many of the claimants are poor and needy, and I sincerely trust that you will again call the attention of Congress to their claims.

Very respectfully,

J. M. BRYAN,
Agent and Attorney of Claimants.

Hon. HIRAM PRICE,
Commissioner of Indian Affairs.

ESTIMATE.

For this amount, or so much thereof as may be necessary, to be expended under the direction of the Secretary of the Interior, for the removal and subsistence expenses of those members of the Eastern Band of Cherokees who have removed, as well as for those who may hereafter desire to remove to the Cherokee country, Indian Territory, at the rate of \$53.33 per head: *Provided*, That the sum of \$2,930.50, expended for the removal of one hundred and sixty-one members of said band in 1881, be deducted per capita from the \$53.33 for each individual, being the amount specified in the eighth article of the treaty of December 29, 1835, \$20,000.