TREATY WITH NEZ PERCE INDIANS.

LETTER

FROM

THE SECRETARY OF THE INTERIOR,

RELATIVE TO

The third article of the treaty of August 13, 1868, with the Nez Perce Indians.

March 19, 1872.—Referred to the Committee on Indian Affairs and ordered to be printed.

DEPARTMENT OF THE INTERIOR,

Washington, D. C., March 16, 1872.

SIR: I have the honor to transmit herewith a copy of a report of the Commissioner of Indian Affairs and accompanying copy of a communication to him from Hon. H. W. Corbett, United States Senate, dated the 4th instant, in relation to the third article of the treaty of August 13, 1868, with the Nez Perce Indians, which provides for the reimbursement to them of moneys due said tribe for school purposes and support of teachers, which has been used since the year 1864 for other purposes.

The facts in the case are set forth in the report of the Commissioner of Indian Affairs.

The subject is respectfully submitted to Congress, without recommendation by this Department, for such action as that body may deem proper to take in the premises.

Very respectfully, your obedient servant,

C. DELANO,
Secretary.

Hon. Jas. G. Blaine,
Speaker House of Representatives.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, D. C., March 14, 1872.

SIR: By the third article of the treaty with the Nez Perce Indians, of August 13, 1868, (St., vol. 15, p. 694,) it is stipulated and agreed "that the amount due said tribe for school purposes and for the support of teachers that has not been expended for that purpose since the year
1864, but has been used for other purposes, shall be ascertained, and
the same shall be reimbursed to said tribe by appropriation by Congress,
and shall be set apart and invested in United States bonds, and shall
be held in trust by the United States, the interest on the same to be paid
to said tribe annually for the support of teachers."

In connection with the above I herewith have the honor to present
copies (in duplicate) of a letter from Senator Corbett, of the 4th instant,
explaining why the article above cited was inserted in the late treaty
with the Nez Percé Indians. The Nez Percé delegation that visited
Washington in 1868, the honorable Senator states, complained to him
that their people had been deprived of the benefits of schools since the
year 1864, and were surprised to learn that the funds appropriated for
school purposes since that time had been expended. It is further stated
that their agent, the late James O'Neill, acknowledged, in the presence
of the Senator and of the Indians, that he had used said funds for other
purposes. The Indians, it is said, claimed that they were entitled to
have the money, thus used contrary to treaty stipulations, restored to
them, and the claim was conceded to them in the late treaty as an act
of justice.

From the records of this office it appears that from the year 1864
until the date of the treaty with the Nez Percés in 1868 there were at
various times placed in the hands of James O'Neill as United States
agent for said Indians moneys appropriated under former treaty stipulations
with the tribe for support of schools and for pay of teachers amounting
in the aggregate to $10,300, of which the sum of $750 appears to have
been expended by him in the purchase of provisions and other articles,
and $8,083 48 paid for services of "one superintendent of teaching and
two teachers," at salaries of $1,200 and $1,000 per annum. The agent's
quarterly accounts of disbursements from 1864 until 1869 are supported
by vouchers covering the sum above stated to have been paid for school
purposes, wherein the teachers receipt to the agent for the amounts of
their salaries, and he certifies on honor that the services in each case
were actually rendered. In his quarterly report of employés in the
service of the Nez Percé agency the names of the teachers referred to
in the vouchers as recipients of salaries are taken up, and there is
nothing on record to show that fraud or deception has been practiced
in the premises.

It is believed, however, from Senator Corbett's statement of the case,
that this office was imposed upon by false representations and certificates
on the part of the officer in charge of the Nez Percé agency during the
four years mentioned, and that the vouchers presented in his accounts
for educational services rendered by teachers during said period are
fraudulent.

With reference to the item of $750 expended in the purchase of various
articles of provisions, &c., and charged at this office to the appropriation
for support of schools, under the impression that the articles were
for the care and subsistence of children attending school, it is evident
that if there was no school in existence at the agency during the time
these expenses are said to have been incurred, the amount thus charged
to "support of schools" could not have been thus expended, although
the Indians may have received the entire benefit thereof in some other
way.

The total amount, therefore, supposed to have been taken from funds
appropriated under treaty stipulations with the Nez Percés for support of
schools and pay of teachers, but expended, if at all, for other purposes,
is $8,838 48.
I respectfully submit for the consideration of the Department whether an application to Congress for reimbursement of the said amount under the provision contained in the third article of the treaty with said Indians, of August 13, 1868, would be sustained by the facts and circumstances of the case as stated in this report. Should the Department decide in the affirmative, I respectfully recommend that the matter be submitted to Congress for its action.

Very respectfully, your obedient servant,

F. A. WALKER,

Commissioner.

Hon. C. DELANO,

Secretary of the Interior.

WASHINGTON, March 4, 1872.

DEAR SIR: I respectfully call your attention to the treaty, August 13, 1868, article 3, with the Nez Percé tribe of Indians, providing for the reimbursement of moneys to them, for school moneys used by the agent during certain years for other purposes. The delegation of Nez Percés in 1868, that visited Washington, claimed that they had been deprived of their school for a certain number of years (since 1864.) They brought their accounts to me, and in presence of their agent, James O'Neill, claimed this, and were surprised that the money for school purposes had been expended, while they had been deprived of their school.

I questioned the agent upon this point, and he acknowledged that he had used their school money for other purposes.

The Indians claimed that they were entitled to the money or the school; it was therefore conceded to them that, having had no teachers and no school for the previous four years, they were jointly entitled to the reimbursement of money used contrary to treaty stipulations.

I suppose this explains the provisions in the treaty of 1868.

Yours, respectfully,

H. W. CORBETT.

Hon. COMMISSIONER OF INDIAN AFFAIRS.