

MEMORIAL OF OLD SETTLER OR WESTREN CHEROKEES.

JUNE 28, 1884.—Referred to the Committee on Appropriations and ordered to be printed.

Mr. PEEL, from the Committee on Indian Affairs, submitted the following

REPORT :

The Committee on Indian Affairs, to whom was referred the memorial of of the "Old Settler" or "Western Cherokee" Indians, have had the same under consideration, and submit the following report thereon :

The committee find that on September 30, 1850, Congress appropriated to pay to that part of the Cherokee Indians, known as the "Old Settler" or "Western Cherokees," in compliance with treaty stipulations, the sum of \$532,896.90, with interest thereon from June 12, 1838, until said amount should be paid, at the rate of 5 per cent. per annum (9 Stat., p. 556).

That the payment of that sum, with the interest thereon as aforesaid, was made on September 22, 1851, and the whole amount to be thus disbursed was the sum of \$887,480.15.

It appears that the disbursement was made by John Druman, as superintendent of Indian affairs. The Second Auditor of the Treasury, by his letter to J. M. Bryan, commissioner of the "Old Settler" or "Western Cherokee" Indians, dated June 27, 1882, states that of the sum thus appropriated there was remaining in the hands of said John Druman as such superintendent, upon the settlement of his accounts as such disbursing officer, the sum of \$660.80, which was not paid to said Indians; that said Druman turned said balance over to Thomas S. Drew, also superintendent of Indian affairs, and that the said Drew failed to either pay the same to said Indians or to account therefor and pay the same into the Treasury of the United States. The Second Auditor states that upon the failure of Superintendent Drew to account for said balance, suit was instituted against him to recover the amount of said balance, and the sum of only \$449.30 was collected from him, which seems now found to be in the Treasury.

The committee are satisfied that there was withheld from these Indians of that appropriation, by the agents of the United States, the sum of \$660.80, which ought to have been paid to them at the time the other disbursement was made, namely, on 22d day of September, 1851. That that sum, with interest thereon from September 22, 1851, at the rate of 5 per cent. per annum until the same shall be paid, is now due to these Indians. Therefore, the committee report the memorial back to the House with the recommendation that the same be referred to the Committee on Appropriations for the necessary appropriation to pay the said balance and interest as above stated, amounting to \$——.

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MEMORIAL OF THE "OLD SETTLER," OR "WESTERN CHEROKEE" INDIANS.

To the honorable Senate and House of Representatives of the United States of America in Congress assembled :

Your memorialist, J. M. Bryan, as the commissioner and agent of the "Old Settler" or "Western Cherokee" Indians, for and in behalf of said Indians, respectfully represents unto your honorable bodies that there is now due to said Indians, from the United States, the sum of \$660.80, together with interest on said sum from September 22, 1851, until the same shall be paid, at the rate of 5 per cent. per annum, the same being a balance, not disbursed, of the appropriation of \$532,896.90, made by act of Congress approved September 30, 1850, to be paid to said Indians in compliance with the treaty between the United States and the Cherokee Nation of Indians in the year of 1846.

Your petitioner further represents that the circumstances under which this claim arose are as follows: After the above-mentioned appropriation was made, one John Drenan, a superintendent of said Indians, was authorized and directed by the Department of the Interior to disburse or pay the same to the said Indians, as prescribed in and by said treaty, and for that purpose the amount of money necessary therefor was placed in his hands by the proper authorities of the United States; that he, on or about September, 1851, disbursed said amount, except the sum of \$660.80 aforesaid, being the balance aforesaid, and for which, together with interest as aforesaid, this claim is made.

That the said John Drenan, after making the disbursements aforesaid, and in the month of May, 1853, turned over to one Thomas S. Drew, another superintendent of said Indians, the said balance of \$660.80, and that the said Drew failed and neglected to disburse said balance, or any part thereof, to said Indians, or account therefor to the United States. That, to recover said balance, the United States instituted suit against him, upon which a recovery was had, and upon the judgment the sum of \$449.30 only was collected, as will more fully appear by reference to a letter of Hon. O. Ferriss, the Second Auditor of the Treasury, hereto attached as Exhibit A.

Your petitioner further represents that said Indians have repeatedly applied to the Commissioner of Indian Affairs, and requested the payment of said balance with the interest thereon, as aforesaid, but without avail.

Wherefore your petitioner, for and on behalf of said Indians, prays your honorable bodies to authorize and direct the payment of the said balance and interest, and to make the necessary appropriation therefor, and to direct the payment of the same to said Indians, may be made by the proper officer of the United States in such manner as the said Indians by their counsel have or may request. As in duty bound he will ever pray.

J. M. BRYAN,
Commissioner and Agent of the "Old Settler," or "Western Cherokee" Indians.