

CLAIM OF THE UNITED STATES DISTRICT ATTORNEY OF  
NEW MEXICO.

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LETTER

FROM

THE ACTING SECRETARY OF THE TREASURY,

TRANSMITTING

*An estimate from the Attorney-General of an appropriation to pay the United States district attorney for the district of New Mexico for professional services performed for certain Indians at the request of the Secretary of the Interior.*

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MAY 22, 1888.—Referred to the Committee on Appropriations and ordered to be printed.

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TREASURY DEPARTMENT,  
May 17, 1888.

SIR: I have the honor to transmit herewith, for the consideration of Congress, copy of a communication from the Attorney-General of the 15th instant, inclosing for an appropriation copy of an account of Thomas Smith, United States attorney for the district of New Mexico, for professional services performed in behalf of certain Indians at the request of the Secretary of the Interior, and for which there is no appropriation available for its payment.

Respectfully, yours,

C. S. FAIRCHILD,  
Secretary.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

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DEPARTMENT OF JUSTICE,  
Washington, May 15, 1888.

SIR: Herewith is inclosed a copy of an account of Thomas Smith, United States attorney for the district of New Mexico, approved in the sum of \$300 for professional services during the fiscal year 1888 in behalf of the Indian Antoneo Montoya and of the Indians of the Pueblo Pojuaque, together with copies of letters of the Department of the Interior of June 14 and July 9, 1886, and of April 1 and May 3, 1888, from the attorney, Thomas Smith, that the same may be submitted to Congress for its action, the services having been requested by the Depart-

ment of the Interior and performed by the district attorney under the directions of this Department without being of a nature that brings them within the authority of the Attorney-General for payment.

Very respectfully,

A. H. GARLAND,  
*Attorney-General*

The SECRETARY OF THE TREASURY.

Let an order be entered approving this account.

R. A. REEVES,  
*Judge First Judicial District*

TERRITORY OF NEW MEXICO,  
*First Judicial District, ss :*

In the district court of the first judicial district of the Territory of New Mexico, at a regular term thereof begun and held at Santa Fé, on the first Monday of February 1888—present, the Hon. Reuben A. Reeves, judge—the following order was made and entered of record, to wit :

Whereas Thomas Smith, United States attorney, has rendered to this court an account for professional services in behalf of the Indians of the pueblo of Pojuaque, performed by order of the Department of Justice at the request of the Interior Department, at the August term, 1887, and the present term of this court, and the items thereof, and has proved, on oath, to the satisfaction of the court that the services therein charged have been actually and necessarily performed as therein stated: It is ordered by the court that said Thomas Smith be, and hereby is, allowed the sum of \$400 for such services, and it is further ordered that his said account for that amount be, and the same is hereby, approved.

The above is a true copy from the record of an order made by said court on the 7th day of March, 1888.

Witness my hand and the seal of said court this 10th day of March, 1888.

[SEAL.]

R. M. FOREE, *Clerk.*

DEPARTMENT OF THE INTERIOR,  
*Washington, June 14, 1888*

SIR: I have the honor to transmit herewith copy of a letter of 12th instant, from the Commissioner of Indian Affairs, with inclosure noted therein, relative to trespasses upon the land of the pueblo of Pojuaque, in New Mexico, by Jesus Ortiz, Jesus Mea Montoya, and Jesus Quintana, to the constant annoyance of the Indians, as reported by Agent Romero.

Concurring in the recommendation of the Commissioner, I respectfully request that the proper United States district attorney may be instructed to take such legal steps as may be necessary for the removal of the intruders and the protection of the Indians in the quiet enjoyment of their lands.

I have the honor to be, very respectfully,

L. Q. C. LAMAR,  
*Secretary.*

The ATTORNEY-GENERAL.

DEPARTMENT OF THE INTERIOR,  
*Washington, July 9, 1888*

SIR: I have the honor to acknowledge the receipt of your letter of the 15th ultimo concerning the prosecution of trespassers upon the pueblo of Pojuaque, in the Territory of New Mexico, which was the subject of request in letter of the Department of 14th ultimo; and in connection therewith I inclose copy of a communication of 8th instant from the Commissioner of Indian Affairs, with inclosure noted therein, containing further information upon the subject.

It appears that one of the parties (Jesus Maria Montoya) mentioned in the former correspondence has summoned four of the Pueblo Indians in an alleged case for trespass, and the Commissioner of Indian Affairs recommends that the proper United States attorney may be instructed to appear and defend the Indians in this further suit, in which recommendation this Department concurs.

I have the honor to be, very respectfully,

L. Q. C. LAMAR,  
*Secretary.*

The ATTORNEY-GENERAL.

SANTA FÉ, N. MEX., April 1, 1888.

SIR: I have the honor herewith to inclose my account for professional services, rendered by order of the Department of Justice, at the request of the Interior Department, in defense of the Indians of the Pojuaque Pueblo, with the statement that the counsel engaged on the other side insisted that \$500 would be a reasonable fee in the one case. I have endeavored, however, to conform my charge to the views of the Department.

Very respectfully,

THOMAS SMITH,  
United States Attorney.

The ATTORNEY-GENERAL.

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United States of America—Thomas Smith, Dr.

To professional services in appearing in behalf of the Indian Antoneo Montoya, of the Pojuaque Pueblo, and governor thereof—in the case of the Territory of New Mexico against him, and defeating the said criminal proceedings—by order of the Department of Justice, at the request of the Interior Department at the August term, 1887, of the district court of the first judicial district: Being engaged in conference with the witnesses, examining the charge, and defeating the proceedings, three days..... \$100.00

To professional services in defending the Indians of the pueblo of Pojuaque in action of trespass against them for the sum of \$2,000—rendered by order of the Department of Justice, at the request of the Interior Department, at the February (1888) term of the district court of the first judicial district: Being engaged six days in the trial thereof before court and jury, and three days in preparation for trial..... \$300.00

I, Thomas Smith, having been duly sworn, upon my oath do say that the services charged for in the foregoing account were actually rendered as therein set forth, and that the same are not covered and can not be included in my salary and fees as United States attorney.

THOMAS SMITH.

Subscribed and sworn to before me this 7th day of March, 1887.

R. M. FOREE,  
Clerk, District Court.

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SANTA FÉ, N. MEX., May 3, 1888.

SIR: I have the honor to acknowledge favor of 17th ultimo (initials H. H.), in reference to my accounts for services in the cases against the Indians of the Pueblo Pojuaque, and to say in reply that one was criminal, for fines for interfering with and obstructing the waters of an aceyma, and the other for damage for loss of crops by those deprived of the means of irrigation. These proceedings were taken by the parties plaintiff under the Territorial laws in such case made and provided, and I am not able to advise the Department of Justice of the nature of the interest of the United States in them, but I may be permitted to suggest that it seems to have been recognized immemorially as an incident to the faithful custodianship of these wards of the Government that it shall provide representation and protection for them in all litigation involving them. I at least appeared in the cases in question in pursuance of the order of the Department of Justice, made at the request of the Interior Department, and laboriously rendered the services as reported.

I am, very respectfully,

THOMAS SMITH,  
United States Attorney.

The ATTORNEY-GENERAL.