

## INDIAN DEPREDAATION CLAIMS.

APRIL 14, 1888.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. WHITTHORNE, from the Select Committee on Indian Depredation Claims, submitted the following

### REPORT :

[To accompany bill H. R. 8990.]

*The Select Committee on Indian Depredation Claims, to whom was referred the bill (H. R. 8990) "to provide for the adjudication and payment of claims arising from Indian depredations," have duly considered the same, and report thereon as follows :*

That with certain amendments thereto, which are indicated in writing attached to the printed bill herewith submitted, the committee recommend the passage of the bill.

Early after the foundation of the Government, Congress, with a view to promote and secure tranquility and peace with the Indian tribes, and to discourage from private and personal revenge the citizens of the States and Territories who might suffer by the crimes and misdemeanors of the Indians, undertook, on behalf of the Government, to redress such crimes and misdemeanors, and to guaranty to such citizens indemnity for any loss of property. This wise and proper policy upon the part of Congress and the executive department has been adhered to, except only in partial indemnity to suffering citizens of the States and Territories in which the Indians reside. This adherence is shown in the acts of Congress from May 19, 1796, down to the present time, and as well also in treaties with various Indian tribes made by the executive department. (See Appendix A.)

In the promotion of this general policy the Government placed itself under similar obligations, by general laws and treaties, to the Indians against whom depredations may be committed. (See Appendix B; see Appendix C for reference to treaties.)

Under these laws and treaties a vast number of claims have arisen. These claimants have appealed for years to the Government to redeem its solemnly plighted faith for indemnity and compensation for their losses.

Prior to 1859, through the agency of the War and Interior Departments, a few citizens were paid and compensated. In the year 1859, by act of Congress, February 28, the pledge of indemnification out of the Treasury of the United States, as then existing, was repealed, but the obligation to pay for depredations out of annuities due to tribes, members of which had committed the same, was continued; yet, by joint resolution of Congress of date June 25, 1860, it was declared that the act of Congress referred to "shall not be construed to destroy or impair any right to indemnity which existed at the date of said repeal."

By all of the acts of Congress subsequent to that date the Government either directly or impliedly assumes the responsibility of indemnification to its citizens who "in its peace," and in the lawful pursuit of his or their business, incur losses of property from depredations committed by Indians.

But since 1859 the Government has (and even when the citizen is invited by its legislation to file his claim with one of the Departments for examination) inhibited payment "on account of said claims" unless a "specific appropriation therefor by Congress" has been made.

In the later acts of Congress special provision has been made for the examination of this class of claims by the Interior Department, and report thereof and thereon required to be made to Congress. From time to time these reports have been made, but action on said reports has been slow; indeed, so slow and limited as practically to deny these claimants the justice of payment to which they are entitled. And yet it is due to this Congress and its immediate predecessors to say that the delay is not occasioned by any want of sympathy for the claimants or any denial of the merits of their claims.

The change of policy in the mode of payment made in 1859, and continued since, has resulted in the accumulation in the Interior Department of a large number of claims, estimated as high as \_\_\_\_\_ in number, aggregating in amount about \$15,000,000.

By this policy it is evident that a final judicial examination of these claims is devolved upon Congress. Hence is witnessed an amount of work thrown upon that body that a conscientious discharge of the labor so imposed would absorb not only the constant attention of any committee, but of the body of Congress, and to the exclusion of all other business, if pursued as the interests and merits of the claimants would seem to require.

This examination and allowance of claims by Congress is and will be necessarily embarrassed by the fact that in adjusting and providing payment from annuities due to various tribes of Indians for depredations committed by members thereof Congress should know not only the amount of the fund drawn on, but in making a present draft should further know the amount existing and likely to follow of the same character.

Another result of postponed action in consequence of this change of policy in payment since 1859 is the unquestioned fact that, with the exception of two or three tribes, the payment of admittedly meritorious claims would exhaust the annuity funds, due and to become due to the Indians, for years. The exaction of payment under this state of facts would involve possibly the domestic peace and security of a large part of the country; if not, it would devolve the duty and burden of their support upon the Government. In this aspect of the question the committee invoke the attention of the House and the country to the views and opinions of the honorable Secretary of the Interior as expressed in a letter addressed to this committee. (See Appendix C.)

Fully appreciating the justice of the demands of the claimants, now before Congress and the Departments of the Government, for depredations committed by Indians, and recognizing the moral and legal responsibility of the United States for their indemnification and payment, and being satisfied that a proper and speedy adjustment of the amounts due each party, as well as the determination of relevant and important adjunct questions, can not be had, at least for years, under existing modes of considering them, this committee has reached the conclusion that justice to the claimants, justice to Congress, and justice to the

Government concur in demanding that a tribunal distinct and judicial in character, whose decisions, deliberately and judicially had, would command the respect and confidence alike of Congress and of the country, should be organized and charged with this duty, and hence the committee have carefully prepared and do recommend this bill, amended as proposed, to the favorable consideration of the House.

The committee in framing this bill have sought to be as liberal in securing for this class of claimants a speedy hearing and adjudication of their claims as in their opinion was possible, in view of all the embarrassments by which their consideration is environed.

To no class of its citizens is the American Government more indebted than to the heroic men and women who, as pioneers of our civilization, abandoning homes of comfort and ease, risked life and property to secure homes, wealth, and progress as the heritage of those who should follow in their pathway. A cheerful compensation for their losses, so incurred under the guaranty of the Government, is the deserved reward of their sacrifices.

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## APPENDIX A.

### GENERAL LEGISLATION ON CLAIMS FOR DEPREDAATIONS COMMITTED BY INDIANS.

#### I.—Act of May 19, 1796, sec. 14 (1 Stat. L., 472).

*And be it further enacted*, That if any Indian or Indians, belonging to any tribe in amity with the United States, shall come over or across the said boundary line into any State or Territory inhabited by citizens of the United States, and there take, steal, or destroy any horse, horses, or other property, belonging to any citizen or inhabitant of the United States, or of either of the territorial districts of the United States, or shall commit any murder, violence, or outrage, upon any such citizen or inhabitant, it shall be the duty of such citizen or inhabitant, his representative, attorney, or agent, to make application to the superintendent, or such other person as the President of the United States shall authorize for that purpose; who, upon being furnished with the necessary documents and proofs, shall, under the direction or instruction of the President of the United States, make application to the nation or tribe, to which such Indian or Indians shall belong, for satisfaction; and if such nation or tribe shall neglect or refuse to make satisfaction, in a reasonable time, not exceeding eighteen months, then it shall be the duty of such superintendent, or other person authorized, as aforesaid, to make return of his doings to the President of the United States, and forward to him all the documents and proofs in the case, that such further steps may be taken as shall be proper to obtain satisfaction for the injury. And, in the mean time, in respect to the property so taken, stolen or destroyed, the United States guarantee to the party injured an eventual indemnification; *Provided always*, That if such injured party, his representative, attorney, or agent, shall in any way violate any of the provisions of this act, by seeking or attempting to obtain private satisfaction or revenge, by crossing over the line, on any of the Indian lands, he shall forfeit all claim upon the United States for such indemnification: *And provided also*, That nothing here contained shall prevent the legal apprehension or arresting, within the limits of any State or district, of any Indian having so offended: *And provided further*, That it shall be lawful for the President of the United States to deduct such sum or sums as shall be paid for the property taken, stolen or destroyed, by any such Indian out of the annual stipend which the United States are bound to pay to the tribe to which such Indian shall belong.

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#### II.—Act of March 3, 1799, sec. 14 (1 Stat. L., 747).

*And be it further enacted*, That if any Indian or Indians, belonging to any tribe in amity with the United States, shall come over or cross the said boundary line, into any State or Territory inhabited by citizens of the United States, and there take, steal, or destroy any horse, or horses, or other property, belonging to any citizen or

inhabitant of the United States, or of either of the territorial districts of the United States, or shall commit any murder, violence, or outrage upon any such citizen or inhabitant, it shall be the duty of such citizen or inhabitant, his representative, attorney, or agent, to make application to the superintendent, or such other person as the President of the United States shall authorize for that purpose; who, upon being furnished with the necessary documents and proofs, shall, under the direction or instruction of the President of the United States, make application to the nation or tribe to which such Indian or Indians shall belong for satisfaction, and if such nation or tribe shall neglect or refuse to make satisfaction, in a reasonable time, not exceeding eighteen months, then it shall be the duty of such superintendent or other person authorized as aforesaid, to make return of his doings to the President of the United States, and forward to him all the documents and proofs in the case, that such further steps may be taken as shall be proper to obtain satisfaction for the injury; and in the mean time, in respect to the property so taken, stolen, or destroyed, the United States guarantee to the party injured, an eventual indemnification: *Provided always*, That if such injured party, his representative, attorney, or agent, shall, in any way, violate any of the provisions of this act by seeking, or attempting to obtain private satisfaction or revenge, by crossing over the line, on any of the Indian lands, he shall forfeit all claim upon the United States for such indemnification: *And provided also*, That nothing herein contained shall prevent the legal apprehension or arresting, within the limits of any State or district, of any Indian having so offended: *And provided further*, That it shall be lawful for the President of the United States to deduct such sum or sums as shall be paid for the property taken, stolen or destroyed by any such Indian out of the annual stipend which the United States are bound to pay to the tribe to which such Indian shall belong.

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### III.—Act of March 30, 1802, sec. 14 (2 Stat. L., 143).

*And be it further enacted*, That if any Indian or Indians, belonging to any tribe in amity with the United States, shall come over or cross the said boundary line into any State or Territory inhabited by citizens of the United States, and there take, steal, or destroy any horse, horses, or other property belonging to any citizen or inhabitant of the United States, or of either of the Territorial districts of the United States, or shall commit any murder, violence, or outrage upon any such citizen or inhabitant, it shall be the duty of such citizen or inhabitant, his representative, attorney, or agent to make application to the superintendent, or such other person as the President of the United States shall authorize for that purpose, who, upon being furnished with the necessary documents and proofs, shall, under the direction or instruction of the President of the United States, make application to the nation or tribe to which such Indian or Indians shall belong for satisfaction, and if such nation or tribe shall neglect or refuse to make satisfaction in a reasonable time, not exceeding twelve months, then it shall be the duty of such superintendent or other person, authorized as aforesaid, to make return of his doings to the President of the United States, and forward to him all the documents and proofs in the case, that such further steps may be taken as shall be proper to obtain satisfaction for the injury; and in the mean time, in respect to the property so taken, stolen, or destroyed, the United States guaranty to the party injured an eventual indemnification: *Provided always*, That if such injured party, his representative, attorney, or agent shall, in any way, violate any of the provisions of this act, by seeking, or attempting to obtain private satisfaction or revenge, by crossing over the line, on any of the Indian lands, he shall forfeit all claim upon the United States for such indemnification: *And provided, also*, That nothing herein contained shall prevent the legal apprehension or arresting, within the limits of any State or district, of any Indian having so offended: *And further provided*, That it shall be lawful for the President of the United States to deduct such sum or sums as shall be paid for the property taken, stolen, or destroyed by such Indian out of the annual stipend which the United States are bound to pay to the tribe to which such Indian shall belong.

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### IV.—Act of June 30, 1834, sec. 17 (4 Stat. L., 731).

*And be it further enacted*, That if any Indian or Indians belonging to any tribe in amity with the United States shall, within the Indian country, take or destroy the property of any person lawfully within such country, or shall pass from the Indian country into any State or Territory inhabited by citizens of the United States, and there take, steal, or destroy any horse, horses, or other property belonging to any

citizen or inhabitant of the United States, such citizen or inhabitant, his representative, attorney, or agent may make application to the proper superintendent, agent, or sub-agent, who, upon being furnished with the necessary documents and proofs, shall, under the direction of the President, make application to the nation or tribe to which said Indian or Indians shall belong for satisfaction; and if such nation or tribe shall neglect or refuse to make satisfaction in a reasonable time, not exceeding twelve months, it shall be the duty of such superintendent, agent, or sub-agent to make return of his doings to the Commissioner of Indian Affairs, that such further steps may be taken as shall be proper, in the opinion of the President, to obtain satisfaction for the injury; and, in the mean time, in respect to the property so taken, stolen, or destroyed, the United States guarantee to the party so injured an eventual indemnification: *Provided*, That, if such injured party, his representative, attorney, or agent, shall in any way violate any of the provisions of this act, by seeking or attempting to obtain private satisfaction or revenge, he shall forfeit all claim upon the United States for such indemnification: *And provided, also*, That unless such claim shall be presented within three years after the commission of the injury, the same shall be barred. And if the nation or tribe to which such Indian may belong receive an annuity from the United States, such claim shall, at the next payment of the annuity, be deducted therefrom and paid to the party injured; and if no annuity is payable to such nation or tribe, then the amount of the claim shall be paid from the Treasury of the United States: *Provided*, That nothing herein contained shall prevent the legal apprehension and punishment of any Indians having so offended.

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V.—*Act of February 28, 1859, sec. 8 (11 Stat. L., 401).*

*And be it further enacted*, That so much of the act entitled "An act to regulate trade and intercourse with the Indian tribes, and preserve peace on the frontiers," approved June thirteenth, eighteen hundred and thirty-four, as provides that the United States shall make indemnification out of the Treasury for property taken or destroyed in certain cases, by Indians trespassing on white men, as described in the said act, be, and the same is hereby, repealed: *Provided, however*, That nothing herein contained shall be so construed as to impair or destroy the obligation of the Indians to make indemnification out of the annuities as prescribed in said act.

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VI.—*Joint resolution of June 25, 1860 (12 Stat. L., 120).*

That the repeal of [by] the eighth section of the act of Congress, approved the twenty-eighth day of February, eighteen hundred and fifty-nine, of so much of the act of Congress entitled "An act to regulate trade and intercourse with Indian tribes, and to preserve peace on the frontiers," approved June thirteenth, eighteen hundred and thirty-four, as provides that the United States shall make indemnification out of the Treasury for property taken or destroyed in certain cases by Indians trespassing on white men, as described in said act, shall not be construed to destroy or impair any right to indemnity which existed at the date of said repeal.

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VII.—*Act of July 15, 1870, sec. 4, (16 Stat. L., 360). Sec. 2098, Revised Statutes.*

*And be it further enacted*, That no part of the moneys appropriated by this act, or which may hereafter be appropriated in any general act or deficiency bill making appropriations for the current and contingent expenses of the Indian department, to pay annuities due to or to be used and expended for the care and benefit of any tribe or tribes of Indians named herein, shall be applied to the payment of any claim for depredations that may have been or may be committed by such tribe or tribes, or any member or members thereof; and no claims for Indian depredations shall hereafter be paid until Congress shall make special appropriation therefor; and all acts and parts of acts inconsistent herewith are hereby repealed.

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VIII.—*Act of May 29, 1872, sec. 7 (17 Stat. L., 190). Secs. 445 and 466, Revised Statutes.*

That it shall be the duty of the Secretary of the Interior to prepare and cause to be published such rules and regulations as he may deem necessary or proper, prescribing the manner of presenting claims arising under existing laws or treaty stipu-

lations, for compensation for depredations committed by the Indians, and the degree and character of the evidence necessary to support such claims; he shall carefully investigate all such claims as may be presented, subject to the rules and regulations prepared by him, and report to Congress, at each session thereof, the nature, character, and amount of such claims, whether allowed by him or not, and the evidence upon which his action was based: *Provided*, That no payment on account of said claims shall be made without a specific appropriation therefor by Congress.

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IX.—*Section 2156, Revised Statutes.*

If any Indian belonging to any tribe in amity with the United States shall, within the Indian country, take or destroy the property of any person lawfully within such country, or shall pass from Indian country into any State or Territory inhabited by citizens of the United States, and there take, steal, or destroy any horse or other property belonging to any citizen or inhabitant of the United States, such citizen or inhabitant, his representative, attorney, or agent, may make application to the proper superintendent, agent, or sub-agent, who, upon being furnished with the necessary documents and proofs, shall, under the direction of the President, make application to the nation or tribe to which such Indian shall belong for satisfaction; and if such nation or tribe shall neglect or refuse to make satisfaction in a reasonable time, not exceeding twelve months, such superintendent, agent, or sub-agent shall make return of his doings to the Commissioner of Indian Affairs, that such further steps may be taken as shall be proper, in the opinion of the President, to obtain satisfaction for the injury.

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X.—*Act of March 3, 1885 (23 Stat. L., 376).*

INDIAN DEPREDAATION CLAIMS.

For the investigation of certain Indian depredation claims, ten thousand dollars; and in expending said sum the Secretary of the Interior shall cause a complete list of all claims heretofore filed in the Interior Department and which have been approved in whole or in part and now remain unpaid, and also all such claims as are pending but not yet examined, on behalf of citizens of the United States, on account of depredations committed, chargeable against any tribe of Indians by reason of any treaty between such tribe and the United States, including the name and address of the claimants, the date of the alleged depredations, by what tribe committed, the date of examination and approval, with a reference to the date and clause of the treaty creating the obligation for payment, to be made and presented to Congress at its next regular session; and the Secretary is authorized and empowered, before making such report, to cause such additional investigation to be made and such further testimony to be taken as he may deem necessary to enable him to determine the kind and value of all property damaged or destroyed by reason of the depredation aforesaid, and by what tribe such depredations were committed; and his report shall include his determination upon each claim, together with the names and residences of witnesses and the testimony of each, and also what funds are now existing or to be derived by reason of treaty or other obligation out of which the same should be paid.

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XI.—*Act of May 15, 1886 (not yet published).*

Indian depredation claims: For continuing the investigation and examination of certain Indian depredation claims, originally authorized, and in the manner therein provided for, by the Indian appropriation act approved March third, eighteen hundred and eighty-five, twenty thousand dollars; and the examination and report shall include claims, if any, barred by statute, such fact to be stated in the report; and all claims whose examination shall be completed by January first, eighteen hundred and eighty-seven, shall then be reported to Congress, with the opinions and conclusions of the Commissioner of Indian Affairs and the Secretary of the Interior upon all material facts, and all the evidence and papers pertaining thereto.

## APPENDIX B.

## GENERAL LEGISLATION ON CLAIMS FOR DEPREDAATIONS COMMITTED BY WHITES ON THE PROPERTY OF INDIANS.

## I.—Act of May 19, 1796, sec. 4 (1 Stat. L., 470).

*And be it further enacted*, That if any such citizen, or other person, shall go into any town, settlement, or territory belonging, or secured by treaty with the United States, to any nation or tribe of Indians, and shall there commit robbery, larceny, trespass, or other crime against the person or property of any friendly Indian or Indians which would be punishable, if committed within the jurisdiction of any State, against a citizen of the United States, or, unauthorized by law, and with a hostile intention, shall be found on any Indian land, such offender shall forfeit a sum not exceeding one hundred dollars, and be imprisoned not exceeding twelve months; and shall also, when property is taken or destroyed, forfeit and pay to such Indian or Indians to whom the property taken and destroyed belongs a sum equal to twice the just value of the property so taken or destroyed; and if such offender shall be unable to pay a sum at least equal to the said just value, whatever such payment shall fall short of the said just value shall be paid out of the Treasury of the United States: *Provided, nevertheless*, That no such Indian shall be entitled to any payment out of the Treasury of the United States, for any such property taken or destroyed, if he, or any of the nation to which he belongs, shall have sought private revenge or attempted to obtain satisfaction by any force or violence.

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## II.—Act of March 3, 1799, sec. 4 (1 Stat. L., 744).

*And be it further enacted*, That if any such citizen or person shall go into any town, settlement, or territory belonging or secured by treaty with the United States, to any nation or tribe of Indians, and shall there commit robbery, larceny, trespass, or other crime against the person or property of any friendly Indian or Indians, which would be punishable if committed within the jurisdiction of any State against a citizen of the United States; or, unauthorized by law, and with a hostile intention, shall be found on any Indian land, such offender shall forfeit a sum not exceeding one hundred dollars and be imprisoned not exceeding twelve months; and shall also, when property is taken or destroyed, forfeit and pay to such Indian or Indians, to whom the property taken and destroyed belongs, a sum equal to twice the just value of the property so taken or destroyed. And if such offender shall be unable to pay a sum equal at least to the said just value, whatever such payment shall fall short of the said just value shall be paid out of the Treasury of the United States: *Provided, nevertheless*, That no such Indian shall be entitled to any payment out of the Treasury of the United States for any such property taken or destroyed, if he, or any of the nation to which he belongs, shall have sought private revenge or attempted to obtain satisfaction by any force or violence.

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## III.—Act of March 30, 1802, sec. 4 (2 Stat. L., 141).

*And be it further enacted*, That if any such citizen, or other person, shall go into any town, settlement, or territory belonging or secured by treaty with the United States to any nation or tribe of Indians, and shall there commit robbery, larceny, trespass, or other crime, against the person or property of any friendly Indian or Indians, which would be punishable, if committed within the jurisdiction of any State against a citizen of the United States; or, unauthorized by law, and with a hostile intention, shall be found on any Indian land, such offender shall forfeit a sum not exceeding one hundred dollars, and be imprisoned not exceeding twelve months; and shall also, when property is taken or destroyed, forfeit and pay to such Indian or Indians to whom the property taken and destroyed belongs a sum equal to twice the just value of the property so taken or destroyed; and if such offender shall be unable to pay a sum at least equal to the said just value, whatever such payment shall fall short of the said just value shall be paid out of the Treasury of the United States: *Provided, nevertheless*, That no such Indian shall be entitled to any payment out of the Treasury of the United States for such property taken or destroyed, if he, or any of the nation to which he belongs, shall have sought private revenge or attempted to obtain satisfaction by any force or violence.

IV.—*Act of June 30, 1834, sec. 16 (4 Stat. L., 731).*

*And be it further enacted*, That where, in the commission, by a white person, of any crime, offense, or misdemeanor, within the Indian country, the property of any friendly Indian is taken, injured, or destroyed, and a conviction is had for such crime, offense, or misdemeanor, the person so convicted shall be sentenced to pay to such friendly Indian to whom the property may belong, or whose person may be injured, a sum equal to twice the just value of the property so taken, injured, or destroyed. And if such offender shall be unable to pay a sum at least equal to the just value or amount, whatever such payment shall fall short of the same shall be paid out of the Treasury of the United States: *Provided*, That no such Indian shall be entitled to any payment, out of the Treasury of the United States, for any such property, if he, or any of the nation to which he belongs, shall have sought private revenge or attempted to obtain satisfaction by any force or violence: *And provided, also*, That if such offender can not be apprehended and brought to trial, the amount of such property shall be paid out of the Treasury as aforesaid.

V.—*Sections 2154 and 2155, Revised Statutes.*

Whenever, in the commission, by a white person, of any crime, offense, or misdemeanor within the Indian country, the property of any friendly Indian is taken, injured, or destroyed, and a conviction is had for such crime, offense, or misdemeanor, the person so convicted shall be sentenced to pay to such friendly Indian to whom the property may belong, or whose person may be injured, a sum equal to twice the just value of the property so taken, injured, or destroyed.

If such offender shall be unable to pay a sum at least equal to the just value or amount, whatever such payment shall fall short of the same shall be paid out of the Treasury of the United States. If such offender can not be apprehended and brought to trial, the amount of such property shall be paid out of the Treasury. But no Indian shall be entitled to any payment out of the Treasury of the United States for any such property if he, or any of the nation to which he belongs, have sought private revenge, or have attempted to obtain satisfaction by any force or violence.

## APPENDIX C.

DEPARTMENT OF THE INTERIOR,  
*Washington, March 24, 1888.*

SIR: I have the honor to acknowledge the receipt of your communication of 19th instant, inclosing, with request for the views and opinion of the Department thereon, the following resolution adopted by the Select Committee on Indian Depredation Claims, House of Representatives:

*Resolved*, That the Secretary of the Interior be requested to give his views as to the wisdom and policy of providing in bills which may be passed by Congress for the relief of individual claimants, or in bills of a general character for claims on account of depredations committed by Indians, that payment may be made out of any moneys in the Treasury not otherwise appropriated, without regard to the fact that, under treaty obligations, some of said claims may be paid from annuity funds.

*And, further*, That the Secretary be requested to inform this committee as to the status of the annuity funds belonging to, or which may under existing laws belong to, any tribe or tribes of Indians; which funds may be held subject to claims on the part of citizens of the United States for depredations committed."

In response thereto I transmit herewith a copy of a report, dated 22d instant, from the Commissioner of Indian Affairs, wherein he states "that the annuity funds of all of the Indian tribes, except the five civilized tribes and the Osages, are such that if taken from them for the payment of any claim, however just, would subject them to conditions of such dependency and want as would tend to drive them to acts of hostility and crime, and thereby necessitate additional appropriations for their support."

The Commissioner gives a tabulated statement showing the liabilities of the United States to Indian tribes under treaty stipulations, taken from his annual report for 1887.

The non-payment of the claims of citizens of the United States for depredations committed by Indians can not, to any very large extent, be chargeable to neglect on



the part of the claimants in presenting their claims for adjudication. Many of these claims have been reported by this Department from time to time to Congress for allowance, for which no provision or authority of law for their payment has been made. The use of small sums from time to time from the annuities of Indians for the payment of just claims for depredations committed by the tribe or members thereof would not have wrought such hardships and embarrassment as will result from absorbing the whole or the larger portion of their annuities as they may hereafter be appropriated, in the payment of the accumulated amounts of such claims charged against them. The disappearance of game and the attention and efforts that the Indians are now giving to industrial pursuits have increased their necessities for the use for their benefit of the funds payable to them under existing treaties and laws. The progress of their civilization would be interrupted by the diversion of their funds wholly or to any very large extent for the payment of such claims at this time.

The delay in making final adjudication of such claims has been a severe hardship upon such of the claimants whose claims are just and who were entitled to be protected by the Government from the depredation upon their property by Indians.

I do not think that there should be any further unnecessary delay in the payment of such sums as have been and shall hereafter be ascertained to be justly due on such claims. If the Indians have no funds or annuities, or, if they have such funds which will not, all things considered, bear the draft of such payments as may be justly charged against them, I think the payments should be made out of moneys in the Treasury not otherwise appropriated, and an account be kept of such payments under the head of the tribes or bands committing the depredations, to the end that such payments may be charged up against any funds that may hereafter accrue to them as proceeds of sales of any surplus lands within their reservation which may be disposed of for them under the general allotment act of February 8, 1887 (24 Stat., 388), or otherwise.

Very respectfully,

WM. F. VILAS,  
*Secretary.*

The CHAIRMAN SELECT COMMITTEE ON INDIAN DEPREDAATION CLAIMS,  
*House of Representatives.*

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DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,  
*Washington, D. C., March 22, 1888.*

SIR: I have the honor to acknowledge the receipt of your reference, the inclosed letter and resolution of House Select Committee on Indian Depredation Claims, and in reply thereto would respectfully submit the following report:

First. That the annuity funds of all of the Indian tribes, except the five civilized tribes and the Osages, are such that if taken from them for the payment of any claim, however just, would subject them to conditions of such dependency and want as would tend to drive them to acts of hostility and crime, and thereby necessitate additional appropriations for their support.

Second. For further answer to said resolution I herewith inclose a tabulated statement taken from my annual report for the year 1887, pages 293, 294, 295, 296, 297, and 298, showing the liabilities of the United States to Indian tribes under treaty stipulations.

Very respectfully,

J. D. C. ATKINS,  
*Commissioner.*

The SECRETARY OF THE INTERIOR.

TABLE R.—Statement showing the present liabilities of the United States to Indian tribes under treaty stipulations.

Names of treaties.	Description of annuities, etc.	Number of installments yet unappropriated, explanations, etc.	Reference to laws, Statutes at Large.	Annual amount necessary to meet stipulations, indefinite as to time, now allowed, but liable to be discontinued.	Aggregate of future appropriations that will be required during a limited number of years to pay limited annuities incidentally necessary to effect the payment.	Amount of annual liabilities of a permanent character.	Amount held in trust by the United States on which 5 per cent. is annually paid, and amounts which, invested at 5 per cent., produce permanent annuities.
Apaches, Kiowas, and Comanches.	Thirty installments, provided to be expended under the tenth article treaty of October 21, 1867.	Ten installments, unappropriated, at \$30,000 each.	Vol. 15, p. 584, § 10	.....	\$300,000.00	.....	.....
Do.....	Purchase of clothing.....	Tenth article treaty of October 21, 1867.	... do .....	\$12,000.00	.....	.....	.....
Do.....	Pay of carpenter, farmer, blacksmith, miller, and engineer.	Fourteenth article treaty of October 21, 1867.	Vol. 15, p. 585, § 14	4,500.00	.....	.....	.....
Do.....	Pay of physician and teacher.....	do .....	do .....	2,500.00	.....	.....	.....
Arikarees, Gros Ventres, and Mandans.	Amount to be expended in such goods, etc., as the President may from time to time determine.	Seventh article treaty of July 27, 1866.	Treaty not published.	30,000.00	.....	.....	.....
do.....	do.....	do .....	do .....	30,000.00	.....	.....	.....
Blackfeet, Bloods, and Piegans.	do.....	Eighth article treaty of September 1, 1863.	do .....	75,000.00	.....	.....	.....
Cheyennes and Arapahoes.	Thirty installments, provided to be expended under tenth article treaty of October 28, 1867.	Ten installments, unappropriated, at \$20,000 each.	Vol. 15, p. 596, § 10	.....	200,000.00	.....	.....
Do.....	Purchase of clothing, same article.....	do .....	do .....	12,000.00	.....	.....	.....
Do.....	Pay of physician, carpenter, farmer, blacksmith, miller, engineer, and teacher.	do .....	Vol. 15, p. 597, § 13	6,500.00	.....	.....	.....
Chickasaw.....	Permanent annuity in goods.....	do .....	Vol. 1, p. 619	.....	.....	\$3,000.00	.....
Chippewas of the Mississippi.	Forty-six installments to be paid to the chiefs of the Mississippi Indians.	Five installments, of \$1,000 each, due.	Vol. 9, p. 904, § 3	.....	5,000.00	.....	.....
Chippewas, Pillager and Lake Winnebagoish bands.	Forty installments: in money, \$10,666.66; goods, \$8,000; and for purposes of utility, \$4,000.	Seven installments, of \$22,666.66 each, due.	Vol. 10, p. 1163, § 3; vol. 13, p. 604, § 3.	.....	158,666.62	.....	.....
Choctaws.....	Permanent annuities.....	Second article treaty of November 16, 1805, \$3,000; thirteenth article treaty of October 18, 1820, \$600; second article treaty of January 20, 1825, \$6,000.	Vol. 7, p. 99, § 2; vol. 11, p. 614, § 13; vol. 7, p. 213, § 13; vol. 7, p. 235, § 2.	.....	.....	9,600.00	.....

Choctaws	Provisions for smiths, etc	Sixth article treaty of October 18, 1820; ninth article treaty of January 20, 1825.	Vol. 7, p. 212, § 6; vol. 7, p. 236, § 9; vol. 7, p. 614, § 13. Vol. 11, p. 614, § 13		\$920.00	
Do	Interest on \$390,257.92, articles ten and thirteenth treaty of January 22, 1855.				19,512.89	\$390,257.92
Creeks	Permanent annuities	Treaty of August 7, 1790	Vol. 7, p. 36, § 4		1,500.00	
Do	do	Treaty of June 16, 1802	Vol. 7, p. 69, § 2		3,000.00	
Do	do	Treaty of January 24, 1826	Vol. 7, p. 287, § 4		20,000.00	400,000.00
Do	Smiths, shops, etc	do	Vol. 7, p. 287, § 8		1,110.00	22,200.00
Do	Wheelwright, permanent	Treaty of January 24, 1826, and August 7, 1856.	Vol. 7, p. 287, § 8; vol. 11, p. 700, § 5.		600.00	12,700.00
Do	Allowance, during the pleasure of the President, for blacksmiths, assistants, shops and tools, iron and steel, wagon-maker, education, and assistants in agricultural operations, etc.	Treaty of February 14, 1833, and treaty of August 7, 1856.	Vol. 7, p. 419, § 5; vol. 11, p. 700, § 5.	\$840.00 270.00 600.00 1,000.00 2,000.00		
Do	Interest on \$200,000 held in trust, sixth article treaty August 7, 1856.	Treaty of August 7, 1856	Vol. 11 p. 700 §6.		10,000.00	200,000.00
Do	Interest on \$675,168 held in trust, third article treaty June 14, 1836, to be expended under the direction of the Secretary of the Interior.	Expended under the direction of the Secretary of the Interior.	Vol. 14, p. 786, §3		33,758.40	675,168.00
Crows	For supplying male persons over fourteen years of age with a suit of good, substantial woolen clothing; females over twelve years of age a flannel skirt or goods to make the same, a pair of woolen hose, calico, and domestic; and boys and girls under the ages named such flannel and cotton goods as their necessities may require.	Treaty of May 7, 1868; eleven installments of \$15,000 each, due, estimated.	Vol. 15, p. 651, §9.		165,000.00	
Do	For pay of physician, carpenter, miller, engineer, farmer, and blacksmith.	Treaty of May 7, 1868	Vol. 15, p. 651, §9.	4,500.00		
Do	Twenty installments, for pay of teacher and for books and stationery.	Two installments, of \$1,500 each, due.	Vol. 15, p. 651, §7.		3,000.00	
Crows	Blacksmith, iron and steel, and for seeds and agricultural implements.	Estimated at	Vol. 15, p. 651, §8.	1,500.00		
Do	Twenty-five installments of \$30,000 each, in cash or otherwise, under the direction of the President.	Nineteen installments, of \$30,000 each, due.	Act of April 11, 1882.		570,000.00	
Gros Ventres	Amounts to be expended in such goods, provisions, etc., as the President may from time to time determine as necessary.	Treaty not published (eighth article, July 13, 1868).		30,000.00		
Iowas	Interest on \$57,500, being the balance on \$157,500.		Vol. 10, p. 1071, §9.		2,875.00	57,500.00
Kansas	Interest on \$200,000, at 5 per cent		Vol. 9, p. 842, §2.		10,000.00	200,000.00
Kickapoos	Interest on \$38,175.68, at 5 per cent		Vol. 10, p. 1079, §2.		4,408.78	88,175.68
Miamies of Kansas	Permanent provision for smith's shops and miller, etc.	Say \$411.43 for shop and \$262.62 for miller.	Vol. 7, p. 191, §5.		674.05	13,481.00
Do	Interest on \$21,884.81, at the rate of 5 per cent., as per third article treaty of June 5, 1854.		Vol. 10, p. 1094, §3.		1,094.24	21,884.81

TABLE R.—Statement showing the present liabilities of the United States to Indian tribes under treaty stipulations—Continued.

Names of treaties.	Description of annuities, etc.	Number of installments yet unappropriated, explanations, etc.	Reference to laws, Statutes at Large.	Annual amount necessary to meet stipulations, indefinite as to time, now allowed, but liable to be discontinued.	Aggregate of future appropriations that will be required during a limited number of years to pay limited annuities incidentally necessary to effect the payment.	Amount of annual liabilities of a permanent character.	Amount held in trust by the United States on which 5 per cent. is annually paid, and amounts which, invested at 5 per cent., produce permanent annuities.
Miamies of Eel River.	Permanent annuities.....	Fourth article treaty of 1795; third article treaty of 1805; third article treaty of 1809.	Vol. 7, p. 51, §4; vol 7, p. 91, §2; vol. 7, p. 114, §3; vol. 7, p. 116.			\$1, 100. 00	\$22, 000. 00
Molels.....	Pay of teacher to manual-labor school, and subsistence of pupils, etc.	Treaty of December 21, 1855.....	Vol. 12, p. 982, §2	\$3, 000. 00			
Nez Percés .....	Salary of two matrons for schools, two assistant teachers, farmer, carpenter, and two millers.	Treaty of June 9, 1863.....	Vol. 14, p. 650, §5.	3, 500. 00			
Northern Cheyennes and Arapahoes.	Thirty installments, for purchase of clothing, as per sixth article of treaty May 10, 1868.	Eleven installments, of \$12,000 each, due.	Vol. 15, p. 657, §6.		\$132, 000. 00		
Do.....	Ten installments, to be expended by the Secretary of the Interior, for Indians engaged in agriculture.	One installment, of \$30,000, due.....	do .....		30, 000. 00		
Do.....	Pay of two teachers, two carpenters, two farmers, miller, blacksmith, engineer, and physician.	Estimated at .....	Vol. 15, p. 658, § 7.	9, 000. 00			
Omahas.....	Twelve installments, fourth series, in money or otherwise.	Seven installments, fourth series, of \$10,000 each, due.	Vol. 10, p. 1044, § 4.		70, 000. 00		
Osages.....	Interest on \$69,120, at 5 per cent., for educational purposes.	Resolution of the Senate to treaty, January 2, 1825.	Vol. 7, p. 242, § 6			3, 456. 00	69, 120. 00
Do.....	Interest on \$300,000, at 5 per cent., to be paid semi-annually, in money or such articles as the Secretary of the Interior may direct.	Treaty of September 29, 1865.....	Vol. 14, p. 687, § 1.			15, 000. 00	300, 000. 00
Otoes and Missourias.	Twelve installments, last series, in money or otherwise.	Seven installments, of \$5,000 each, due.	Vol. 10, p. 1039, § 4.		35, 000. 00		
Pawnees.....	Annuity goods, and such articles as may be necessary.	Treaty of September 24, 1857.....	Vol. 11, p. 729, § 2.			30, 000. 00	
Do.....	Support of two manual-labor schools and pay of teachers.	do .....	Vol. 11, p. 729, § 3.	10, 000. 00			

Do.....	For iron and steel and other necessary articles for shops, and pay of two blacksmiths, one of whom is to be tin and gun smith, and compensation of two strikers and apprentices.	Estimated for iron and steel, \$500; two blacksmiths, \$1,200; and two strikers, \$480.	Vol. 11, p. 729, § 3	2,180.00		
Pawnees.....	Farming utensils and stock, pay of farmer, miller, and engineer, and compensation of apprentices to assist in working in the mill and keeping in repair grist and saw mill.	Estimated	Vol. 11, p. 730, § 4	4,400.00		
Ponchas.....	Fifteen installments, last series, to be paid to them or expended for their benefit.	One installment of \$8,000, due	Vol. 12, p. 897, § 2		8,000.00	
Do.....	Amount to be expended during the pleasure of the President for purposes of civilization.	Treaty of March 12, 1868	Vol. 12, p. 998, § 2	20,000.00		
Pottawatomies.....	Permanent annuity in money	August 3, 1795	Vol. 7, p. 51, § 4		357.80	7,156.00
Do.....	do	September 30, 1809	Vol. 7, p. 114, § 3		178.90	3,578.00
Do.....	do	October 2, 1818	Vol. 7, p. 185, § 3		894.50	17,890.00
Do.....	do	September 20, 1828	Vol. 7, p. 317, § 2		715.60	14,312.00
Do.....	do	July 29, 1829	Vol. 7, p. 330, § 2		5,724.77	114,495.40
Do.....	Permanent provision for three blacksmiths and assistants, iron and steel.	October 16, 1826; September 20, 1828; July 29, 1829.	Vol. 7, p. 296, § 3; vol. 7, p. 318, § 2; vol. 7, p. 321, § 2		1,008.99	20,179.80
Do.....	Permanent provision for furnishing salt	July 29, 1829	Vol. 7, p. 320, § 2		156.54	3,120.80
Do.....	Permanent provision for payment of money in lieu of tobacco, iron, and steel.	September 20, 1828; June 5 and 17, 1846.	Vol. 7, p. 318, § 2; vol. 9, p. 855, § 10		107.34	2,146.80
Do.....	For interest on \$230,064.20, at 5 per cent.	June 5 and 17, 1846	Vol. 9, p. 855, § 7		11,503.21	230,064.20
Pottawatomies of Huron.....	Permanent annuities	November 17, 1808	Vol. 7, p. 106, § 2		400.00	8,000.00
Quapaws.....	For education, smith, farmer, and smith-shop during the pleasure of the President.	\$1,000 for education, \$500 for smith, etc.	Vol. 7, p. 425, § 3	1,500.00		
Sacs and Foxes of Mississippi.....	Permanent annuity	Treaty of November 3, 1804	Vol. 7, p. 85, § 3		1,000.00	20,000.00
Do.....	Interest on \$200,000, at 5 per cent	Treaty of October 21, 1837	Vol. 7, p. 541, § 2		10,000.00	200,000.00
Do.....	Interest on \$800,000, at 5 per cent	Treaty of October 21, 1842	Vol. 7, p. 596, § 2		40,000.00	800,000.00
Sacs and Foxes of Missouri.....	Interest on \$157,400, at 5 per cent	Treaty of October 21, 1837	Vol. 7, p. 543, § 2		7,870.00	157,400.00
Do.....	For support of school	Treaty of March 6, 1861	Vol. 12, p. 1172, § 5	200.00		
Seminoles.....	Interest on \$500,000, eighth article of treaty, of August 7, 1856.	\$25,000 annual annuity	Vol. 11, p. 702, § 8		25,000.00	500,000.00
Do.....	Interest on \$70,000, at 5 per cent.	Support of schools, etc	Vol. 14, p. 757, § 3		3,500.00	70,000.00
Senecas.....	Permanent annuity	September 9 and 17, 1817	Vol. 7, p. 161, § 4; vol. 7, p. 179, § 4		1,000.00	20,000.00
Do.....	Smith and smith-shop and miller, permanent	February 28, 1821	Vol. 7, p. 349, § 4		1,660.00	33,200.00
Senecas of New York.....	Permanent annuities	February 19, 1841	Vol. 4, p. 442		6,000.00	120,000.00
Do.....	Interest on \$75,000, at 5 per cent.	Act of June 27, 1846	Vol. 9, p. 35, § 2		3,750.00	75,000.00
Do.....	Interest on \$43,050, transferred from the Ontario Bank to the United States Treasury.	do	Vol. 9, p. 35, § 3		2,152.50	43,050.00
Senecas and Shawnees.....	Permanent annuity	Treaty of September 17, 1818	Vol. 7, p. 179, § 4		1,000.00	20,000.00
Do.....	Support of smith and smith-shops	Treaty of July 20, 1831	Vol. 7, p. 352, § 1	1,060.00		
Shawnees.....	Permanent annuity for education	August 3, 1795; September 29, 1817	Vol. 7, p. 51, § 1		3,000.00	60,000.00
Do.....	Interest on \$40,000, at 5 per cent.	August 3, 1795; May 10, 1854	Vol. 10, p. 1056		2,000.00	40,000.00

TABLE R.—Statement showing the present liabilities of the United States to Indian tribes under treaty stipulations—Continued.

Names of treaties.	Description of annuities, etc.	Number of installments yet unappropriated, explanations, etc.	Reference to laws, Statutes at Large.	Annual amount necessary to meet stipulations, indefinite as to time, now allowed, but liable to be discontinued.	Aggregate of future appropriations that will be required during a limited number of years to pay limited annuities incidentally necessary to effect the payment.	Amount of annual liabilities of a permanent character.	Amount held in trust by the United States on which 5 per cent. is annually paid, and amounts which invested at 5 per cent. produce permanent annuities.
Shoshones and Bannacks : Shoshones .....	For the purchase of clothing for men, women, and children, thirty installments.	Twelve installments due, estimated at \$10,000 each.	Vol. 15, p. 676, § 9.		\$120,000.00		
Do .....	For pay of physicians, carpenter, teacher, engineer, farmer, and blacksmith.	Estimated .....	Vol. 15, p. 676, § 10	\$5,000.00			
Do .....	Blacksmith, and for iron and steel for shops.	.....do .....	Vol. 15, p. 676, § 3	1,000.00			
Bannacks .....	For the purchase of clothing for men, women, and children thirty installments.	Twelve installments due, estimated at \$5,000 each.	Vol. 15, y. 676, § 9		60,000.00		
Do .....	Pay of physician, carpenter, miller, teacher, engineer, farmer, and blacksmith.	Estimated .....	Vol. 15, p. 676, § 10	5,000.00			
Six Nations of New York.	Permanent annuities in clothing, etc .....	Treaty November 11, 1794 .....	Vol. 7, p. 64, § 6		\$4,500.00		\$90,000.00
Sioux of different tribes, including Santee Sioux of Nebraska.	Purchase of clothing for men, women, and children.	Twelve installments of \$130,000 each, due: estimated.	Vol. 15, p. 638, § 10		1,560,000.00		
Do .....	Blacksmith, and for iron and steel .....	Estimated .....	.....do .....	2,000.00			
Do .....	For such articles as may be considered necessary by the Secretary of the Interior for persons roaming.	Twelve installments, of \$200,000 each, due: estimated.	.....do .....		2,400,000.00		
Do .....	Physician, five teachers, carpenter, miller, engineer, farmer, and blacksmith.	Estimated .....	Vol. 15, p. 638, § 13	10,400.00			
Do .....	Purchase of rations, etc., as per article 5, agreement of September 26, 1876.	.....do .....	Vol. 19, p. 256, § 5	1,100,000.00			
Tabeguache band of Utes.	Pay of blacksmith .....	.....do .....	Vol. 13, p. 675, § 10	720.00			
Tabeguache, Muna-che, Capote, Weeminuche, Yampa, Grand River, and Uintah bands of Utes.	For iron and steel and necessary tools for blacksmith shop.	.....do .....	Vol. 15, p. 627, § 9.	220.00			

Do.....	Two carpenters, two millers, two farmers, one blacksmith, and two teachers.	.....do.....	Vol. 15, p. 622, §11	7,800.00			
Do.....	Thirty installments, of \$30,000 each, to be expended under the direction of the Secretary of the Interior, for clothing, blankets, etc.	Eleven installments, each \$30,000, due.	Vol. 15, p. 622, § 11		330,000.00		
Do.....	Annual amount to be expended, under the direction of the Secretary of the Interior, in supplying said Indians with beef, mutton, wheat, flour, beans, etc.		Vol. 15, p. 622, § 12	30,000.00			
Winnebagoes.....	Interest on \$804,909.17, at 5 per cent. per annum.	November 1, 1837, and Senate amendment, July 17, 1862.	Vol. 7 p. 546, § 4; vol. 12, p. 628, § 4.			40,245.45	804,909.17
Do.....	Interest on \$78,340.41, at 5 per cent. per annum, to be expended under the direction of the Secretary of the Interior.	July 15, 1870.....	Vol. 16, p. 355, § 1.			3,917.02	78,340.41
Yankton tribe of Sioux.	Ten installments, of \$25,000 each, being third series, to be paid to them, or expended for their benefit.	One installment due, of \$25,000....	Vol. 11, p. 744, § 4.		25,000.00		
Do.....	Twenty installments, of \$15,000 each, fourth series, to be paid to them, or expended for their benefit.	Twenty installments, of \$15,000 each, due.	....do.....		300,000.00		
Total.....				1,430,190.00	6,471,666.62	349,251.98	6,024,629.99