

IN THE SENATE OF THE UNITED STATES.

MAY 8, 1878.—Ordered to be printed.

Mr. HOAR, from the Committee on Claims, submitted the following

REPORT:

[To accompany bill S. 351.]

*The Committee on Claims, to whom was referred the bill (S. 351) for the relief of the domestic and Indian missions and Sunday-school board of the Southern Baptist Convention, have considered the same, and respectfully report:*

On the fourth day of November, 1848, the American Indian Mission Association, on the one part, and the United States, acting by William Medill, Commissioner of Indian Affairs, of the other part, entered into written contract under seal, by which the association agreed to erect, in the country occupied by the Pottawatomie Indians, in Kansas, for the education of their children, a suitable building of a character particularly specified for the accommodation of at least ninety pupils, to the acceptance of the United States and the agent of the tribe, and to clear, fence, and stock and furnish with tools a farm of at least one hundred acres of land, and equip workshops for the instruction of the children of the tribe in agriculture and the mechanic arts. They further contracted to receive, maintain, clothe, and educate at least ninety scholars of said tribe, or a less number if so many could not be induced to attend.

The United States agreed to pay \$4,000 toward the erection of the building, and \$1,000 toward clearing the land and purchasing tools, animals, &c., for the shop and farm. The United States further agreed to pay \$50 a year quarterly for each pupil, and at that rate for any part of a year, toward the maintenance of the pupils.

This agreement was performed by both parties, and the amounts duly rendered, audited, and paid, down to the close of the quarter ending June 30, 1860. The accounts for the two succeeding quarters were duly rendered, vouched, and allowed at the Treasury, but payment was not made for the sole reason that the office had not at its control sufficient funds for the purpose. The rebellion broke out soon after, and the sums due for these two quarters have never been paid. There is due for the quarter ending September 30, 1860, the sum of \$1,265.62, and for the quarter ending December 31, 1860, the sum of \$1,281.25, making in all \$2,546.87.

The American Indian Mission Association, by deed dated June 20, 1855, transferred all its property and rights, schools and missions, to the Southern Baptist Association, a corporation created by the laws of Georgia, and the grantee took upon itself the duties, contracts, obligations, and missionary work of the grantor. A copy of this contract was furnished to the United States, put on file at the Indian Office, and the

government signified its assent to the substitution by making payments, as aforesaid, from 1855 to 1860, to the Baptist Association. After the suppression of the rebellion the claim was presented to the Commissioner of Indian Affairs, and certified by him to be correct, March 24, 1874, but disallowed by the Second Auditor solely on the ground that proof of the loyalty of the claimant was not furnished, and that that office had, therefore, no power to allow the claim. (See resolve approved March 2, 1867.)

The American Indian Mission Association was one of the instrumentalities through which the Baptist denomination carried on its charitable and missionary work. The Southern Baptist Convention represented that denomination in most if not all of the Southern States, and its members were divided in sentiment in regard to the rebellion pretty much like the rest of the population. Its jurisdiction and membership extended into the States of Kentucky and Missouri. Its work was purely religious and charitable. The contract out of which the present claim arises is for a missionary operation in the Territory of Kansas. Under these circumstances there is no propriety in making the loyalty of every member or every officer of the convention a condition of the fulfillment of the contract of the government.

The committee, therefore, report the accompanying bill, and recommend its passage.

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