

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 18, 1886.—Ordered to be printed.

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

REPORT:

[To accompany bill S. 472.]

The Committee on Claims, to whom was referred the bill (S. 472) for the relief of the American Board of Commissioners for Foreign Missions, Rev. Worcester Willey, and Esther Smith, having considered the same, adopt the favorable report made by the Senate Committee on Claims of the Forty-eighth Congress, prepared by Mr. Pike, the following of which is a copy, and recommend the passage of the accompanying bill:

[Senate Report No. 683, Forty-eighth Congress, first session.]

The Committee on Claims, to whom was referred the bill (S. 565) for the relief of Rev. Worcester Willey, make the following report:

It appears by the evidence in this case that the American Board of Missions commenced their labors among the Cherokees as early as 1817. After the removal of the Cherokees to the Indian Territory the said Board established a mission at Dwight Station, in the Cherokee country; that at different times thereafter they established missions at Park Hill, Fairfield, and Lee's Creek, in the said Cherokee country; that at the time the said Board commenced missionary labors among the Cherokees it was promised by the Government that the Board and their missionary laborers should be protected in their persons and property by the Government; that for years prior to 1864 the mission stations were under the general management of the Rev. Worcester Willey; that they had in use and had accumulated in connection with these various missions a large amount of property; that on or about the 3d day of December, 1863, the said American Board sold and conveyed to the said Rev. Worcester Willey all the property at Dwight Station to his sole use and benefit; that the balance of the property belonging to the Board at Park Hill, Fairfield, and Lee's Creek remained the property of the said Board; that the work of the mission had been carried on at all the mission stations under the direction of the said Willey until in the year 1864; that in that year the property belonging to the said Willey, to the American Board, and to Esther Smith, a teacher, was taken, and for the most part used by the United States forces under the orders of the officers of the various commands; that the value of the property taken as claimed, and as shown by schedules annexed to the testimony belonging to the Rev. Worcester Willey, was \$15,611.60; to the American Board, \$5,516.75, and to Esther Smith, \$749.40; that no part of the property so taken was ever recovered by any of the said owners.

That the thirtieth article of the treaty of July 19, 1866, provided that "the United States agree to pay to the proper claimants all losses of property by missionaries or missionary societies from their being ordered or driven from the country by United States agents, and from their property being taken and occupied or destroyed by the United States troops, not exceeding in the aggregate \$20,000, to be ascertained by the Secretary of the Interior;" that the act of March 2, 1867, appropriated "for the payment of losses of property by missionaries or missionary societies, on account of the troops and agents of the United States, treaty July 19, 1866, thirtieth article, \$20,000;" that there had been in the said Cherokee country missionaries and missionary stations of several other religious denominations than that of the American Board; that soon after the said appropriation claims were presented for payment to the Secre-

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tary of the Interior by the said Willey for himself, and by the said Esther Smith and the said American Board; that claims were also presented by the American Baptist Missionary Union by J. B. and Evan Jones, their missionaries, and by the Moravian Board, by G. Bishop, and E. J. Mack, their missionaries, and perhaps others; that by some mistake or misapprehension neither the said Willey nor Esther Smith nor the said American Board have ever received any portion of the said \$20,000; that the Secretary of the Interior allowed and paid the following sums out of the \$20,000 appropriated under the treaty, to wit:

To the American Baptist Missionary Union.....	\$13,060 00
To Rev. J. B. Jones.....	1,221 00
To Evan Jones.....	818 00
To the Moravian Board.....	3,279 69
To Rev. G. Bishop.....	377 63
To Rev. E. J. Mack.....	1,243 68
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	20,000 00

And that he has paid the whole of the said sum, as above stated.

Your committee find that the personal property belonging to the said Willey and the American Board consisted of cattle, hogs, and crops to a considerable amount in value, and from the statements made by John M. Taylor, of the Second Kansas Cavalry, Colonel Williams, of the First Kansas Infantry, General John M. Thayer, Col. William A. Phillips, and Lieutenant-Colonel Hoyt, that they and their commands were encamped near Dwight Station; that they were compelled to subsist on the country, and that cattle were taken from said Dwight Station and the other stations above named and used for food for their commands by their orders, and that a large amount of other property found there, consisting of crops, household property, and family stores, were also taken and used.

It further appears from the testimony of the claimant that he had knowledge that a very large proportion of the property belonging to him at the said Dwight Station, to the said American Board at the other stations, and to the said Esther Smith, was taken by the direction of the officers of the military forces and used for supplies.

The claimants ask to be allowed their respective claims—

(1) Because they were promised protection in their persons and property by the Government.

(2) That the purpose of the treaty was to give this indemnity to all the missionaries and missionary societies who had been sufferers in the Cherokee country, but that the amount stipulated and appropriated proved inadequate.

(3) That the claimants in justice ought not to be the only sufferers.

(4) That aside from this the claimants were loyal citizens whose property has been taken by the order of Federal officers and used for military and commissary stores.

The committee are of the opinion that the claim is a just one, but that the value of the property, as recited in the schedules annexed to the testimony, is too high, and they recommend that \$10,000 be allowed Worcester Willey, that \$500 be allowed Esther Smith, and that \$2,000 be allowed the American Board of Commissioners for Foreign Missions in full of their respective claims.

The committee therefore report a bill for that purpose and recommend its passage, and they further recommend that the bill committed to them be indefinitely postponed.