

IN THE SENATE OF THE UNITED STATES.

JULY 16, 1890.—Ordered to be printed.

Mr. DAWES, from the Committee on Appropriations, submitted the following

REPORT:

[To accompany H. R. 10726.]

The Committee on Appropriations, in reporting back to the Senate the bill (H. R. 10726) "Making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1891, and for other purposes," present the following statement showing the amounts estimated for these purposes in the Book of Estimates, the amounts provided by the bill as it passed the House of Representatives, the amounts recommended by the committee for the fiscal year 1891, and the amount of the Indian appropriation act for 1890, and append hereto various communications and papers received and considered in connection with the bill.

INDIAN SERVICE, 1891.

Amount of estimates for 1891.....	\$5,804,399.77
Amount of bill as passed the House.....	6,022,638.75
Increase made to bill by Senate committee (net).....	1,131,172.68
Amount as reported to Senate.....	7,153,811.43
Amount of act for 1890.....	8,077,453.39

The changes made in amounts of House bill by Senate committee are as follows:

Increase:	
Indian agents (net).....	\$100.00
Creek Nation of Indians (out of their funds).....	400,000.00
Mexican Pottawatomie Indians of Kansas.....	27,011.60
Seneca tribe of Indians.....	1,405.66
Sioux, subsistence.....	100,000.00
Sioux, advance payment of interest under act March 2, 1889 (reimbursable).....	150,000.00
Northern Cheyennes and Arapahoes on Tongue River.....	15,000.00
Commission to visit Puyallup Reservation.....	10,000.00
Indian police.....	9,000.00
Chippewa Indians of Minnesota, payment of damages on account of reservoirs.....	150,000.00
Chippewa Indians of Minnesota, under act January 14, 1889 (reimbursable).....	200,000.00
Special counsel, Mission Indians of California.....	2,500.00
Expenses of prosecuting suit on behalf of North Carolina Cherokees.....	15,000.00
Indian day and industrial school buildings.....	50,000.00
Carlisle School, buildings, etc.....	5,000.00

Increase—Continued.

Flandreau, S. Dak., school.....	\$25,000.00
Mandan, N. Dak., school.....	25,006.00
Grand Junction, Colo., school.....	17,500.00
Total increase	1,202,517.26

Reduction:

Negotiations with certain Northern Cheyennes.....	5,000.00
Payment of "Fitch bond," so called.....	2,100.00
Chippewas of Lake Superior.....	1,000.00
Negotiations with Indian tribes.....	5,000.00
Commission to negotiate with Turtle Mountain Band of Chippewas.....	5,000.00
Re-imbusement of Big Jim's band—Absentee Shawnees.....	17,215.00
Payment to George Wells.....	548.00
Payment to George M. Chapman.....	424.40
Re-imbusement of Joseph Dunlap.....	1,100.00
Salary of W. W. Anderson.....	127.18
St. Joseph Normal School, Rensselaer, Ind.....	8,330.00
Shoshone Indian Reservation school buildings.....	13,000.00
Holy Family Indian School, Montana.....	12,500.00
Total reduction.....	71,344.58

Net increase..... 1,131,172.68

Comparative statement showing the appropriations for 1890, the estimates for 1891, the amounts provided by the House bill, and the amounts recommended by the Senate Committee on Appropriations for 1891.

Object.	Appropriations, 1890.	Estimates, 1891.	House bill, 1891.	Senate committee, 1891.
<i>Current and contingent expenses.</i>				
Indian agents.....	\$87,400.00	\$88,000.00	\$89,000.00	\$89,100.00
Interpreters.....	25,000.00	25,000.00	25,000.00	25,000.00
Indian inspectors.....	15,000.00	15,000.00	15,000.00	15,000.00
Indian inspectors, traveling expenses.....	7,000.00	8,000.00	7,000.00	7,000.00
Indian school superintendent, salary.....	4,000.00	4,000.00	4,000.00	4,000.00
Indian school superintendent, traveling expenses.....	1,500.00	1,500.00	2,000.00	2,000.00
Buildings, at agencies, and repairs.....	25,000.00	25,000.00	25,000.00	25,000.00
Contingencies of the Indian service.....	40,000.00	40,000.00	44,000.00	42,000.00
Expenses of Indian Commission.....	5,000.00	5,000.00	5,000.00	5,000.00
Total, current and contingent expenses.	209,900.00	212,400.00	216,000.00	216,100.00
<i>Fulfilling treaty stipulations.</i>				
Apaches, Kiowas, and Comanches.....	48,200.00	48,200.00	48,200.00	48,200.00
Cheyennes and Arapahoes.....	38,500.00	38,500.00	38,500.00	38,500.00
Chickasaws.....	3,000.00	3,000.00	3,000.00	3,000.00
Chickasaw Nation, re-imbusement of.....	184,143.09			
Chippewas of the Mississippi.....	5,000.00	5,000.00	5,000.00	5,000.00
Chippewas, Pillagers, and Lake Winnebagoish bands.....	22,666.66	22,666.66	22,666.66	22,666.66
Choctaws.....	29,432.89	29,432.89	29,432.89	29,432.89
Choctaw Orphan Reservation Fund, re-imbusement of.....			15,000.00	15,000.00
Columbias and Colvilles.....	7,100.00	7,100.00	7,100.00	7,100.00
Creeks.....	69,968.40	69,968.40	69,968.40	69,968.40
Creek Nation of Indians.....				400,000.00
Crows.....	97,500.00	96,000.00	91,000.00	91,000.00
Indians at Fort Hall.....	(*)	6,000.00	6,000.00	6,000.00
Indians at Blackfeet Agency.....	150,000.00	150,000.00	150,000.00	150,000.00
Indians at Fort Belknap Agency.....	115,000.00	115,000.00	115,000.00	115,000.00
Indians at Fort Peck Agency.....	165,000.00	165,000.00	165,000.00	165,000.00
Iowas.....	2,875.00	2,875.00	2,875.00	2,875.00
Kansas.....	1,524.02	1,524.02	1,524.02	1,524.02
Kickapoos.....	4,121.62	4,121.62	12,466.02	12,466.02
Miamies of Kansas.....	1,382.56	1,382.56	1,382.56	1,382.56
Moles.....	3,000.00	3,000.00	3,000.00	3,000.00
Nez Percés.....	6,000.00	6,000.00	6,000.00	6,000.00
Northern Cheyennes and Arapahoes.....	56,000.00	56,000.00	56,000.00	56,000.00

*Special act, \$6,000.

APPROPRIATIONS FOR THE INDIAN DEPARTMENT.

Comparative statement showing the appropriations for 1890, etc.—Continued.

Object.	Appropriations, 1890.	Estimates, 1891.	House bill, 1891.	Senate committee, 1891.
<i>Fulfilling treaty stipulations—Continued.</i>				
Northern Cheyennes and other Indians, negotiations with			\$10,000.00	\$5,000.00
Osages	\$3,456.00	\$3,456.00	3,456.00	3,456.00
Otoes and Missouries	5,000.00	5,000.00	5,000.00	5,000.00
Pawnees	47,100.00	47,100.00	47,100.00	47,100.00
Pottawatomies	20,647.65	20,647.65	20,647.65	20,647.65
Pottawatomies, Citizen and Prairie Bands			2,100.00	
Pottawatomie Nation, payment of award	361,682.04			
Mexican Pottawatomies of Kansas				27,011.60
Quapaws	1,500.00	1,500.00	1,500.00	1,500.00
Sacs and Foxes of the Mississippi	51,000.00	51,000.00	51,000.00	51,000.00
Sacs and Foxes of the Missouri	8,070.00	8,070.00	8,070.00	8,070.00
Seminoles	28,500.00	28,500.00	28,500.00	28,500.00
Senecas	3,690.00	3,690.00	3,690.00	3,690.00
Senecas of New York	11,902.50	11,902.50	11,902.50	11,902.50
Shawnees	5,000.00	5,000.00	5,000.00	5,000.00
Eastern Shawnees	1,030.00	1,030.00	1,030.00	1,030.00
Shoshones and Bannacks	26,000.00	26,000.00	26,000.00	26,000.00
Six Nations of New York	4,500.00	4,500.00	4,500.00	4,500.00
Sioux of different tribes	1,168,500.00	1,318,500.00	1,163,500.00	1,413,500.00
Sioux, Yankton tribe	50,000.00	50,000.00	50,000.00	50,000.00
Sioux, Medawakanton band	12,000.00		8,000.00	8,000.00
Confederated bands of Utes	73,740.00	73,740.00	73,740.00	73,740.00
Ute Indians, certain payment to	4,000.00	4,000.00	4,000.00	4,000.00
Winnebagoes	44,162.47	44,162.47	44,162.47	44,162.47
Cherokee Freedmen, expenses of payment to	20,000.00			
Total, fulfilling treaty stipulations	2,961,894.90	2,538,569.77	2,422,014.17	3,093,331.43
<i>Miscellaneous supports.</i>				
Arapahoos, Cheyennes, Apaches, Kiowas, etc.	250,000.00	260,000.00	240,000.00	240,000.00
Arickarees, Gros Ventres, and Mandans	30,000.00	30,000.00	30,000.00	30,000.00
Chippewas of Lake Superior	5,000.00	5,000.00	6,000.00	5,000.00
Chippewas of Red Lake and Pembina tribe	10,000.00	10,000.00	10,000.00	10,000.00
Chippewas on White Earth Reservation	10,000.00	10,000.00	10,000.00	10,000.00
Chippewas, Turtle Mountain band	13,000.00	13,000.00	13,000.00	13,000.00
Confederated tribes and bands in middle Oregon	6,000.00	6,000.00	6,000.00	6,000.00
D'Wamish and other allied tribes in Washington	7,000.00	7,000.00	7,000.00	7,000.00
Flatheads, Carlos' band	12,000.00	12,000.00	12,000.00	12,000.00
Flatheads and other confederated tribes	10,000.00	10,000.00	10,000.00	10,000.00
Hualpais in Arizona	7,500.00	7,500.00	7,500.00	7,500.00
Apaches and other Indians in Arizona and New Mexico	170,000.00	170,000.00	170,000.00	170,000.00
Shoshones and other Indians at Fort Hall Reservation	17,000.00	17,000.00	13,000.00	13,000.00
Shoshones and other Indians at Lemhi Agency	15,000.00	15,000.00	14,000.00	14,000.00
Klamaths and other Indians at Klamath Agency	5,000.00	5,000.00	5,000.00	5,000.00
Kansas Indians	2,500.00	2,500.00	2,500.00	2,500.00
Kickapoos	5,000.00	5,000.00	5,000.00	5,000.00
Makahs	4,000.00	4,000.00	4,000.00	4,000.00
Menomonees	4,000.00	4,000.00	4,000.00	4,000.00
Modocs in Indian Territory	4,000.00	4,000.00	4,000.00	4,000.00
Navajos	7,500.00	15,000.00	15,000.00	15,000.00
Northern Cheyennes on Tongue River, Montana				15,000.00
Nez Percés of Joseph's Band	15,000.00	15,000.00	12,000.00	12,000.00
Nez Percé Indians in Idaho	6,500.00	6,500.00	6,500.00	6,000.00
Poncas	18,000.00	18,000.00	18,000.00	18,000.00
Qui-nai-elts and Quil-leh-utes	4,000.00	4,000.00	4,000.00	4,000.00
Shoshones in Wyoming	15,000.00	15,000.00	15,000.00	15,000.00
Shoshones in Nevada	10,000.00	10,000.00	10,000.00	10,000.00
Seminole and Creek Indians in Florida	6,000.00		6,000.00	6,000.00
Sioux of Lake Traverse	6,000.00	6,000.00	6,000.00	6,000.00
Sioux of Devil's Lake	6,000.00	6,000.00	6,000.00	6,000.00
S'Klallams	4,000.00	4,000.00	4,000.00	4,000.00
Tonkawas	5,000.00	5,000.00	5,000.00	5,000.00
Walla Walla, Cayuse, and Umatilla tribes	6,500.00	6,500.00	6,500.00	6,500.00
Yakamas and other Indians	12,000.00	12,000.00	10,000.00	10,000.00
For food and other necessities in cases of emergency			25,000.00	25,000.00
Total miscellaneous supports	708,500.00	720,000.00	722,000.00	736,000.00

Comparative statement showing the appropriations for 1890, etc.—Continued.

Object.	Appropriations, 1890.	Estimates, 1891.	House bill, 1891.	Senate committee, 1891.
<i>General incidental expenses of the Indian service.</i>				
In Arizona.....	\$20,000.00	\$20,000.00	\$20,000.00	\$20,000.00
In California.....	27,000.00	27,000.00	27,000.00	27,000.00
In Colorado.....	1,500.00	1,500.00	1,500.00	1,500.00
In North Dakota.....			1,500.00	1,500.00
In Dakota.....	5,000.00	5,000.00		
In South Dakota.....			3,500.00	3,500.00
In Idaho.....	1,000.00	1,000.00	1,000.00	1,000.00
In Montana.....	4,000.00	4,000.00	4,000.00	4,000.00
In Nevada.....	22,500.00	22,500.00	22,500.00	22,500.00
In New Mexico.....	5,000.00	5,000.00	5,000.00	5,000.00
In Oregon.....	16,000.00	16,000.00	16,000.00	16,000.00
In Utah.....	10,000.00	10,000.00	8,000.00	8,000.00
In Washington.....	16,000.00	16,000.00	16,000.00	16,000.00
In Wyoming.....	1,000.00	1,000.00	1,000.00	1,000.00
Total general incidental expenses.....	129,000.00	129,000.00	127,000.00	127,000.00
<i>Miscellaneous.</i>				
Negotiating with Indian tribes.....		10,000.00	10,000.00	5,000.00
New allotments in severalty.....	30,000.00	30,000.00	30,000.00	30,000.00
Unfinished allotments.....	10,000.00	10,000.00	10,000.00	10,000.00
Aiding Indians to establish homes under the severalty act.....	30,000.00			
Negotiations with Turtle Mountain band of Chippewas.....			10,000.00	5,000.00
Pay of practical farmers.....	50,000.00	50,000.00	60,000.00	60,000.00
Negotiations with Puyallup Indians in Washington.....				10,000.00
Pay of Indian police.....	114,000.00	160,000.00	114,000.00	123,000.00
Pay of judges of Indian courts.....	5,000.00	15,000.00	10,000.00	16,000.00
Vaccination of Indians.....	1,000.00	1,000.00	1,000.00	1,000.00
Telegraphing and purchasing Indian supplies.....	40,000.00	40,000.00	45,000.00	45,000.00
Transportation of Indian supplies.....	300,000.00	300,000.00	290,000.00	290,000.00
Surveying and allotting Indian reservations.....	10,000.00	10,000.00	10,000.00	10,000.00
Negotiations with the Muscogee or Creek Nation of Indians.....			32,250.00	32,250.00
Investigating Indian depredation claims.....	20,000.00	20,000.00	20,000.00	20,000.00
Expenses of litigation respecting real estate of eastern band Cherokees of North Carolina.....	2,500.00			
Wagon-road for Hoopa Valley Reservation, Cal.....	5,000.00			
Labor for Indian Office.....	660.00			
Payment to Beeson & Baker, of Paola, Kans.....	60.00			
Re-imbursment of Wind River Valley settlers.....	9,371.50			
To continue the Cherokee Commission.....			20,000.00	20,000.00
To re-imburse Big Jim's band of Absentee Shawnees.....			17,215.00	
For matron to teach Indian girls in house-keeping, etc.....			720.00	720.00
To pay George Wells for services at Haskell Institute.....			548.00	
To pay George Chapman, late Indian inspector, traveling expenses.....			424.40	
To re-imburse Joseph Dunlap for money paid Chief Joel, of Kansas tribe of Indians.....			1,100.00	
To pay salary of W. W. Anderson as agent of Lower Brule Agency.....			127.18	
Chippewa Indians of Minnesota, re-imbursable.....				350,000.00
Special counsel for Mission Indians of California.....				2,500.00
Expenses of prosecuting suit against W. H. Thomas and others on behalf of North Carolina Cherokees.....				15,000.00
Total, miscellaneous.....	627,591.50	646,000.00	682,384.58	1,039,470.00
<i>Support of schools.</i>				
For day and industrial schools, support.....	685,000.00	685,000.00	751,870.00	751,870.00
Construction and repair of public buildings..	55,000.00	55,000.00	100,000.00	150,000.00
Purchase of stock for schools.....	10,000.00	10,000.00	10,000.00	10,000.00
At Albuquerque, N. Mex.....	35,000.00	40,000.00	46,500.00	46,500.00
Payment to Board of Home Missions.....	6,803.13			

Comparative statement showing the appropriations for 1890, etc.—Continued.

Object.	Appropriations, 1890.	Estimates, 1891.	House bill, 1891.	Senate committee, 1891.
<i>Support of school.—Continued.</i>				
At Carlisle, Pa.	\$81,000.00	\$101,000.00	\$121,000.00	\$126,000.00
At Chillico, Ind. Ter.	32,125.00	40,000.00	50,000.00	50,000.00
At Carson City, Nev.	10,000.00	25,000.00	25,000.00	25,000.00
At Genoa, Nebr.	40,000.00	40,000.00	50,000.00	50,000.00
At Shoshone Indian Reservation, Wyo. ....	.....	.....	25,000.00	12,000.00
At Grand Junction, Colo.	10,000.00	17,500.00	17,500.00	35,000.00
At Hampton, Va.	20,040.00	20,040.00	20,040.00	20,040.00
At Lawrence, Kans.	85,500.00	100,000.00	122,500.00	122,500.00
At Lincoln Institution, Philadelphia.	33,400.00	33,400.00	33,400.00	33,400.00
At Mandu, N. Dak. ....	.....	.....	.....	25,000.00
At Pierre, S. Dak.	85,000.00	25,000.00	35,000.00	35,000.00
At Flandreau, S. Dak. ....	.....	.....	.....	25,000.00
At Santa Fe, N. Mex.	6,000.00	25,000.00	25,000.00	25,000.00
At Salem, Oregon.	36,500.00	40,000.00	70,750.00	70,750.00
At St. Ignatius School, Montana.	45,000.00	45,000.00	45,000.00	45,000.00
At St. John's University and St. Benedict's Academy, Minnesota.	15,000.00	} 30,000.00	30,000.00	30,000.00
At St. Paul's Industrial School, Minnesota.	15,000.00			
At Cherokee Training School, North Carolina.	12,000.00	12,000.00	13,360.00	13,360.00
At White's Manual Labor Institute, Wabash, Ind.	10,020.00	10,020.00	10,020.00	10,020.00
Support of Indian children at schools in the States.	63,180.00	75,000.00	75,000.00	75,000.00
Transportation of Indian pupils.	28,000.00	28,000.00	40,000.00	40,000.00
Purchase of Keam's Cañon for Indian school purposes.	10,000.00	.....	.....	.....
St. Joseph's Normal School at Rensselaer, Ind. ....	.....	.....	8,330.00	.....
St. Boniface's Industrial School, Banning, Cal. ....	.....	.....	12,500.00	12,500.00
Holy Family Indian School, Blackfoot Agency, Mont. ....	.....	.....	12,500.00	.....
Total, support of schools.	1,379,568.13	1,456,960.00	1,750,270.00	1,838,040.00
Interest on trust funds.	84,556.84	101,470.00	101,470.00	101,470.00
Expenses of negotiations with the Prairie band of Pottawatomies and Kickapoos of Kansas.	5,000.00	.....	.....	.....
Expenses of negotiations with the Sioux Indians.	25,000.00	.....	.....	.....
Expenses of negotiations with the Cœur d'Alene Indians.	2,000.00	.....	.....	.....
Standard samples of Indian supplies.	1,500.00	.....	1,500.00	1,500.00
Payment for Seminole lands.	1,912,942.02	.....	.....	.....
Expenses of negotiations with the Cherokee Indians.	25,000.00	.....	.....	.....
Establishing two land districts in Indian Territory.	5,000.00	.....	.....	.....
Total.	1,976,442.02	.....	1,500.00	1,500.00
Total for the Indian service.	8,077,453.39	5,804,399.77	6,022,638.75	7,153,811.43

MONEY DUE THE CREEK NATION.

[House Report No. 1507, Fifty-first Congress, first session.]

The Committee on Indian Affairs, to whom was referred H. R. 3804, having had the same under consideration, beg leave to submit the following report:

This bill seeks to appropriate \$400,000 due the Creek Nation under the third article of the treaty of 1866, which provides that the sum of \$400,000 shall be paid in money and divided per capita to said Creek Nation, unless otherwise directed by the President of the United States, under the direction of the Secretary of the Interior, as the same may accrue from the sale of public lands to other Indians.

This provision of the treaty of 1866 has never been carried out. The lands alluded to in said treaty have all been sold, and inasmuch as this sum is bearing 5 per cent. interest and of no advantage to the Government, and inasmuch as the Indians through their national council request its payment, your committee are of the opinion that said sum should be paid as stipulated in third article of said treaty of 1866. Said na-

tion now has a trust fund in the Treasury of the United States amounting to the sum of \$3,399,368, all of which is bearing interest yielding an annual income of \$169,968.40. Should the amount provided in this bill be paid over to them, there will still be an annual income arising from the remainder of their trust fund of \$149,968.40, which will be ample to support their national government schools, and so forth, and will be a saving to the United States of \$20,000 annually.

The Interior Department, including the Indian Office, recommend the passage of the bill with an amendment, in which your committee concur. The report of the Indian Office and Secretary of the Interior is hereto attached as a part hereof; and as amended your committee recommend that the bill do pass.

DEPARTMENT OF THE INTERIOR,
Washington, March 19, 1890.

SIR: I have the honor to acknowledge the receipt of your communication of 25th February last, inclosing copy of House bill 3804, "To appropriate \$400,000 to the Creek Nation of Indians as per third article of treaty of 1866."

In response thereto I transmit herewith copies of communications of 4th and 10th instant, from the Commissioner of Indian Affairs, to whom the matter was referred.

The correspondence shows that the provision of article 3 "that \$400,000 shall be paid in money and divided per capita to said Creek Nation, unless otherwise directed by the President of the United States, under the direction of the Secretary of the Interior, as the same may accrue from the sale of land to other Indians," has not been carried out, but that the Indians have received the interest thereon at 5 per cent. per annum.

The Commissioner recommends that the bill be amended by the following proviso: "That the Creek Indians shall receipt to the United States for the above sum in full for the \$400,000 named in the third article of the treaty between the United States and the Creek Nation, proclaimed August 11, 1866."

Very respectfully,

JNO. W. NOBLE,
Secretary.

CHAIRMAN OF COMMITTEE ON INDIAN AFFAIRS,
House of Representatives.

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, D. C., March 4, 1890.

SIR: I have the honor to be in receipt, by your reference of the 25th ultimo for report, of a communication from Hon. B. W. Perkins, chairman House Committee on Indian Affairs, dated the 25th ultimo, inclosing House bill 3804, entitled "A bill to appropriate \$400,000 to the Creek Nation of Indians, as per third article of treaty of 1866," with the request for any suggestion or recommendation therewith that the Department can make.

The bill enacts that "the sum of \$400,000 be, and the same is hereby, appropriated out of any moneys in the Treasury of the United States not otherwise appropriated, to pay the Creek Nation of Indians in the Indian Territory, as provided in third article of treaty proclaimed August 11, 1866, between said Creek Nation and the United States, said sum to be paid to said Indians per capita, under the direction of the Secretary of the Interior, as provided in said treaty."

In reply I have the honor to state that, on the 10th day of July last, a Creek delegation, consisting of L. C. Perryman, principal chief, N. B. Moore, treasurer, Ward Coachman, president House of Kings, and Roley McIntosh, speaker House of Warriors, addressed a communication to this office inclosing an act of a called session of the national council of the Creek Nation, approved June 22, 1889, by which act the Creek Nation appropriated the sum of \$400,000 to make a per capita payment to the Creek people out of moneys secured to the nation by their treaty of 1866, for the purpose of relieving their pressing necessities and to afford means for the improvement of their houses and farms.

In the above letter of the delegation a request was made to be informed whether, under the third article of their treaty of 1866 (14 Stats., 757), a part of the consideration to be paid for the cession of their lands is at present available, and, if so, whether the consent of the Department could be obtained for the payment per capita to the Creek people of the sum named.

On the 19th day of July the papers referred to were submitted to the Department, with an opinion that "inasmuch as the \$400,000 have never been directly appropri-

ated by Congress and are not carried on the books of the Treasury and this Department, and further, that the United States have never received any revenue from the sales of Creek lands to other Indians, the said amount can not be paid without an appropriation by Congress.

On the 24th day of July the Department replied to this report, concurring in the above opinion, and directed that the matter should be presented to Congress at its next session. Under the third article of the treaty above referred to the United States agreed that the sum of \$400,000 should be paid in money and divided per capita to the Creek Nation, unless otherwise directed by the President of the United States, under the direction of the Secretary of the Interior, as the same may accrue from the sale of lands to other Indians. This provision of the treaty has never been carried out.

Under this article the Creeks are receiving by annual appropriation 5 per cent. interest on the sum of \$675,168. The Creeks desire that \$400,000 of this sum shall be appropriated.

The Creek Nation now has a principal amounting to \$3,399,368, yielding an annual income of \$169,968.40. If this appropriation shall be made by Congress, which is recommended by this office, the income of the nation will be reduced to \$149,968.40—a reduction of \$20,000—which sum will be ample for the support of its government, schools, and other institutions, and will be a saving to the United States in the sum of \$20,000 annually.

I return herewith the letter of the chairman and inclosure.

Very respectfully,

T. J. MORGAN,
Commissioner.

The SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, March 10, 1890.

SIR: Referring to office report dated the 4th instant, on House bill 3804, entitled "A bill to appropriate \$100,000 to the Creek Nation of Indians, as per third article of treaty of 1866," I have the honor to supplement said report with the recommendation that said bill be amended by the addition of the following proviso, viz:

Provided, That the Creek Indians shall receipt to the United States for the above sum in full for the \$400,000 named in the third article of the treaty between the United States and the Creek Nation, proclaimed August 11, 1866.

Very respectfully,

T. J. MORGAN,
Commissioner.

The SECRETARY OF THE INTERIOR.

MEXICAN POTTAWATOMIES OF KANSAS.

DEPARTMENT OF THE INTERIOR,
Washington, January 19, 1889.

SIR: I have the honor to acknowledge the receipt of your communication of 7th instant, inclosing House bill 11439, entitled "A bill to provide for the final settlement with the Mexican Pottawatomie Indians of Kansas, in accordance with certain treaty stipulations," with request for information thereon.

In response thereto I transmit copy of a communication of 18th instant, from the Commissioner of Indian Affairs, and accompanying copy of his report on this bill, dated October 2, 1888.

The Commissioner, in his letter of October 2, 1888, gives a history of the claim—the settlement of which is provided by the bill—and recommends the favorable action thereon by the Department and Congress. He now renews his former recommendation and invites attention to the fact that the Pottawatomies, of which these Indians form a part, have a large claim for arrearages of annuities now pending before Congress, and which fact should lead to a change in the proviso to the bill by amendment, otherwise they would be excluded from any benefit that might accrue to the nation by legislation hereafter.

The bill is herewith returned.

Very respectfully,

WM. F. VILAS,
Secretary.

CHAIRMAN COMMITTEE ON INDIAN AFFAIRS,
House of Representatives.

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,

Washington, D. C., January 18, 1889.

SIR: I have the honor to acknowledge the receipt by your reference of the 8th instant, for report, of a communication from the House Committee on Indian Affairs, dated the 7th instant, inclosing House bill 11439, entitled "A bill to provide for the final settlement with the Mexican Pottawatomie Indians of Kansas, in accordance with certain treaty stipulations."

The committee requests that it be furnished with any information in the possession of the Department in regard to the same.

In reply, I have to state that the bill herewith contemplated the payment of the sum of \$27,011.60 to certain Mexican Pottawatomie Indians, who were entitled to the same under the treaty of February 27, 1867, with the Pottawatomie Nation (15 Stats., 531), but who were deprived of their share of the common fund of the nation when, in 1871, a list of the Pottawatomes was made of those who desired to become citizens of the United States, by reason of their absence in Mexico. Under the provisions of this bill the sum of \$17,995.46 is to be appropriated out of funds in the Treasury not otherwise appropriated, and the sum of \$9,016.14 from funds standing to the credit of said Indians on the books of the Treasury.

In connection with this claim, I have to state that it was the subject of report from this office to the Department, January 24, 1881, March 27, 1882, and October 2, 1888, in which latter report a full history of said claim was given, in which recommendation was made for the favorable action of the Department and of the Congress.

Attention is invited to the fact that the Pottawatomie Nation, of which these Indians form a part, have a large claim for arrearages of annuities now pending before Congress, and which fact should lead to a change in the proviso to the bill by amendment, otherwise they would be excluded from any benefit that might accrue to the nation by legislation hereafter.

I inclose a copy of report of this office dated October 2, 1888, in response to a call of the House Committee on Indian Affairs, on the bill herewith (H. R. 11439), with a renewal of the recommendation contained therein.

The papers referred are respectfully returned herewith.

Very respectfully,

JOHN-H. OBERLY,
Commissioner.

The SECRETARY OF THE INTERIOR.

CLAIM OF THE SENECA INDIANS.

[House Ex. Doc. No. 340, Fifty-first Congress, first session.]

Letter from the Acting Secretary of the Treasury, transmitting a communication from the Commissioner of Indian Affairs for an appropriation to pay the claim of the Seneca Indians for land taken by the United States.

TREASURY DEPARTMENT, *April 18, 1890.*

SIR: I have the honor to transmit herewith for the consideration of Congress a communication from the Commissioner of Indian Affairs of the 14th instant, forwarded by the Secretary of the Interior, for an appropriation to pay the claim of the Seneca Indians for land taken by the United States, \$2,881.60.

Respectfully yours,

GEO. S. BATCHELLER,
Acting Secretary.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

 DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,

Washington, April 14, 1890.

SIR: I have the honor to inclose herewith a copy of a communication from G. W. Stidham, esq., a Creek Indian, in reference to a claim of the Seneca tribe of Indians in the Indian Territory, for certain lands taken by the United States under the first article of the treaty with said Indians of February 23, 1867 (15 Stats., 513), in excess of the amount therein ceded.

The treaty above mentioned provides for the cession by the Seneca Indians to the United States of 20,000 acres of land for the settlement of the Wyandottes, and for which the sum of \$1 per acre was paid to the Senecas by the Government.

The first article of the treaty above referred to provides as follows :

"The Senecas cede to the United States a strip of land on the north side of the present reservation in the Indian country ; the land so ceded to be bounded on the east by the State of Missouri, on the north by the north line of the reservation, on the west by the Neosho River, and running south for the necessary distance ; to contain 20,000 acres ; for which the Government is to pay \$20,000 upon the ratification of the treaty ; the south line of said tract to be ascertained by survey, at the cost of the United States."

Under the provisions of the foregoing article of the said treaty, the Wyandottes were settled upon the land in question, and the sum of \$20,000 was paid the Senecas therefor.

An examination of the official plats of survey of this tract on file in this office, however, shows that the portion of land so taken by the Government and occupied by the Wyandottes contains 21,405.66 acres, being an excess of 1,405.66 acres over the amount ceded, for which no compensation has ever been paid to the Senecas.

In reference to the request of Mr. Stidham, set forth in his communication, that an estimate be made to pay the Senecas \$1 per acre for the said portion of land taken in excess of the amount paid for, under the provisions of the said treaty, with interest from the date of the proclamation of said treaty, I have the honor to submit my opinion that the claim is a just one, and that the Seneca tribe should be paid the price mentioned for 1,405.66 acres, with interest at 5 per cent. per annum from July 1, 1869, the date on which the payment for the 20,000 acres became available.

As the Wyandottes have no money due them out of which payment for the said land could be made, I inclose herewith a draught of an item making the necessary appropriation from any money in the Treasury not otherwise expended, and have the honor to suggest that it be transmitted to Congress, with the recommendation that it be inserted in one of the appropriation bills.

Very respectfully, your obedient servant,

R. V. BELT,
Acting Commissioner.

The SECRETARY OF THE INTERIOR.

ITEM.

To enable the Secretary of the Interior to pay per capita to the Seneca tribe of Indians, in the Indian Territory, the sum of one thousand four hundred and five dollars and sixty-six cents for one thousand four hundred and five and sixty-six-hundredths acres of land taken from said tribe, without compensation by the United States, in excess of the amount authorized to be taken by the first article of the treaty with said tribe, concluded February twenty-third, eighteen hundred and sixty-seven, with interest thereon at five per centum per annum from July first, eighteen hundred and sixty-nine, the date on which the payment for the land taken became available ; in all two thousand eight hundred and eighty-one dollars and sixty cents.

322 FOUR-AND-A-HALF STREET, NORTHWEST,
Washington, D. C., January 6, 1890.

SIR: By reference to my letters of December 24, 1888, addressed to your predecessor, you will find that I presented a claim for the Seneca tribe of Indians located in the Indian Territory, for 1,406 acres of land set apart for the use of the Wyandotte Indians in 1867, which they have never been paid for, and requesting that an estimate be made for an appropriation to pay them. I again repeat the same request in their behalf.

Very respectfully, yours,

G. W. STIDHAM.

Hon. T. J. MORGAN,
Commissioner of Indian Affairs.

**NORTHERN CHEYENNES AND ARAPAHOS ON TONGUE RIVER,
MONTANA.**

DEPARTMENT OF THE INTERIOR,
Washington, July 9, 1890.

SIR: I have the honor to inclose herewith copy of a communication from the honorable Commissioner of Indian Affairs, together with copies of reports of military officers in regard to the troubles at Tongue River Agency, Mont., in which he requests that Congress be urged to appropriate for the current fiscal year, in addition to any other appropriation proposed, \$25,000 for the subsistence and civilization of the Northern Cheyennes on the Tongue River in Montana.

I heartily indorse the request of the honorable Commissioner and therefore respectfully urge that an item be inserted in the Indian appropriation bill for the fiscal year 1891, as he suggests, in order to meet the urgent necessities of his office with respect to these Indians.

Very respectfully,

JOHN W NOBLE,
Secretary.

Hon. H. L. DAWES,
Chairman Committee on Indian Affairs, U. S. Senate.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, July 8, 1890.

SIR: I have the honor to acknowledge the receipt of your communication of the 26th ultimo inclosing numerous reports by military officers in regard to the troubles at Tongue River Agency, Mont., and instructing me in particular, among other things, to endeavor to have the Indians there better fed, and to say in reply that this office, with the funds at present appropriated by Congress, will be unable to do much, if any, more in the way of furnishing these Indians with subsistence in the future than was done during the last fiscal year.

For the subsistence and civilization of the Northern Cheyennes and Arapahoes Congress last year appropriated \$35,000, with the proviso that the amount should be expended pro rata as near as may be for the Northern Cheyennes and Arapahoes in Wyoming, and on the Tongue River in Montana. The same amount, with the same proviso, is included in the Indian appropriation bill for the fiscal year 1891, as it passed the House of Representatives. Of this the pro rata share of the Northern Cheyennes on Tongue River, Mont., will be \$16,117.53. Experience has shown this office that this amount will not permit of the purchase of subsistence for these Indians in any greater quantities than has heretofore been purchased for them.

I therefore respectfully request that Congress be urged to appropriate for the present fiscal year, in addition to the \$35,000 already referred to, \$25,000 for the subsistence and civilization of the Northern Cheyennes on the Tongue River in Montana, and for that purpose to insert an additional item under the title "Miscellaneous Supports," in the Indian appropriation bill for the current fiscal year.

Copies of the reports of the military officers referred to in your letter of June 26 are herewith inclosed, which, with a copy of this letter, it is respectfully requested be forwarded to the chairman of the Senate Committee on Indian Affairs, with your approval and request for immediate consideration and favorable action.

Very respectfully,

T. J. MORGAN,
Commissioner.

The SECRETARY OF THE INTERIOR.

HEADQUARTERS DEPARTMENT OF DAKOTA,
St. Paul, Minn., May 20, 1890.

SIR: I have the honor to report as follows in response to the indorsement of April 15 last from the headquarters of the Army, and that of the 16th of April from the office of the adjutant-general, transmitting for such action as the circumstances might require, and directing report be made of action had, the letter of April 14 last (herewith returned) from the Secretary of the Interior addressed to the President, embracing copies of telegrams of April 14 from United States Indian Agent Upshaw at Tongue River Agency, Mont., one requesting the arrest by military force of two

Bannock Indians, and the other stating that a company of infantry would be needed at the agency all summer for the protection of life and property.

Upon the receipt of the papers, direction was sent to the commanding officer of Fort Custer that Major Carroll, First Cavalry, who, with a command of three troops of the regiment belonging to the garrison of Fort Custer, had been at the Tongue River Agency since April 13, report generally as to condition of affairs at the agency; the cause leading to or supposed to have led to the call a short time before made by the agent for military assistance; the attitude of the Indians in general, and in particular toward the agent, and the rules of the Interior Department, and whether it would be necessary or advisable to have a military force at or near the agency during the coming summer. Further direction was given the commanding officer of Fort Custer to continue the command of Major Carroll at the agency until further orders. Instruction was also given to cause the two "renegade Bannock Indians" at the agency to be arrested if to be found, provided they had or were doing harm or were cause of such trouble or dissatisfaction on the reservation as to render their arrest advisable, and that in case of arrest they be detained at Fort Custer until further orders.

With reference to the arrest of the two Bannocks it was reported by the Indian agent that "it was decided their arrest was not necessary, and they were dismissed with admonition to go at once to their reservation."

With respect to the necessity for a military force at the agency during the coming summer, it appears from the reports of Major Carroll that, whilst there is no spirit of hostility on the part of the Tongue River Cheyennes, there is general dissatisfaction—the principal grounds, as stated by them, to be insufficiency of food; the separation of the Cheyennes who are attached to Tongue River Agency from those at Pine Ridge, which involves in some instances the separation of members of families; the lack of necessary farming implements; scant supplies of clothing, which comes to them piecemeal, and lack of confidence in their agent. Other minor matters of complaint are stated in reports above referred to, made by Major Carroll, one of the 7th instant and one of April 20, copies of which accompany this, and enter quite fully into details relative to the present state of these Indians.

It will, in my opinion, be advisable to retain a force at the agency for a time, until a more settled state of affairs exists, and such would have been my purpose. In this opinion I have taken account also of the possibility that some if not the greater part of the Cheyennes of the Pine Ridge Reservation may attempt to join the Tongue River Cheyennes, which, if as likely would be known to those at Tongue River Agency, would cause more or less excitement there.

There is, as heretofore reported, a force detached from Fort Meade to prevent the Pine Ridge Cheyenne Indians from migrating to Tongue River.

With respect to the time a force will be required, whether for the summer, as requested by the agent, Mr. Upshaw, or less or more time, can not be stated in advance. And this leads me to say that the condition of affairs at this agency, which is naturally sequent to that in 1887, when in August some two hundred Cheyennes were returned by military force from the Tongue River to the Pine Ridge Agency, and at which time, as is evident, the reports then submitted, serious trouble was prevented only by the firmness and judicious action of the command, and particularly on the part of Lieutenant-Colonel Snyder, then major of the 5th infantry, who fortunately also had from former association with these Indians gained their respect and confidence. The principal grounds of dissatisfaction then, as now, were lack of confidence in their agent; lack of food, and enforced separation of the two parts of the tribe.

The essential question is, not whether a military force shall be kept for a few months, more or less, at the Tongue River Agency, but what action shall be had for the quiet and contended settlement of these Cheyenne Indians?

I would suggest that the attention of the Interior Department be invited to the necessity for amelioration in the condition of these Indians. The positive requirements for bettering their condition are, as I conclude, an increase of food, a thoroughly efficient agent, and that the parts of the tribe now at the two agencies of Tongue River, Mont., and Pine Ridge, S. Dak., be united on one reservation.

The quantity of food now issued at Tongue River Agency, as appears from the reports of Agent Upshaw (a copy accompanied the report of Major Carroll of April 22) is 75 pounds of beef and 40 pounds of flour, 2 pounds of coffee, $3\frac{1}{2}$ pounds of sugar, and 2 pounds of salt per one hundred rations; also, it appears by the same report, the quantity of beef is less by 25 pounds per hundred rations than was issued in 1886. I think it evident that the allowance of food, in absence of other sources of supply, is not enough.

The term of office for which United States Indian Agent Upshaw was appointed will, I suppose, soon end. In the selection of his successor it is very desirable, in view of the quite long-continued state of dissatisfaction of these Indians, that especial care be exercised.

With respect to bringing together the two parts of the tribe, it is very desirable, if not essential, to insure content to the greater part of the Cheyennes at Pine Ridge as well as at the Tongue River Agency. This question was presented in connection with the duties performed by the troops in removing Cheyennes from Tongue River back to the Pine Ridge Reservation in 1887, and there was then a concurrence of opinion by the officers concerned that the union of the tribe should be effected. In this connection, I have for convenience of reference had copies made of reports made at that time and of my report, which are transmitted herewith. These reports present about the same general state of affairs at the Tongue River Agency as now exists.

There is the disadvantage of some lack of arable land, or that may by irrigation be made available, on the Tongue River Reservation, but there would be an advantage in placing all who desire it upon this reservation where they would be better satisfied than on the Pine Ridge Reservation, where the domination of the Sioux, of which the Cheyennes there complain, would not exist.

No doubt there would be strong local objection in Montana to any increase in the numbers of Cheyenne Indians on the Tongue River Reservation, especially as it would seem to indicate indefinite retention of the reservation. The land is chiefly valuable for grazing, but if so for such purpose for settlers and owners of cattle, it is, for like use, suitable for these Indians who are there and wish to remain.

Very respectfully, your obedient servant,

THOS. H. RUGER,
Brigadier-General, Commanding.

The ADJUTANT-GENERAL, U. S. ARMY.
(Through Headquarters Division of Missouri, Chicago, Ill.)

[Fifth indorsement.]

HEADQUARTERS DIVISION OF THE MISSOURI,
Washington, D. C., May 25, 1890.

Respectfully forwarded to the Adjutant-General of the Army, in connection with other papers on this subject, forwarded this day.

For the major-general commanding division:

THOMAS M. VINCENT,
Assistant Adjutant-General.

MISSION INDIANS OF CALIFORNIA.

DEPARTMENT OF JUSTICE,
Washington, D. C., June 21, 1890.

SIR: In a conversation yesterday at the Senate Chamber, you asked me to write with reference to the matter of the employment of Shirley C. Ward as attorney for the Mission Indians of California in their litigation for the settlement of the titles to their property. As you are aware, Mr. Ward was given an appointment, or a quasi appointment, from this Department in 1886, which has continued to a recent date; but by subsequent correspondence it is made to appear that the late Attorney-General, Mr. Garland, doubted his authority to make such appointment. I can not find in the statutes any provision warranting such appointment, as the Government is not directly or indirectly, except possibly in a moral sense, interested in the litigation.

There is doubtless much merit in the cause of these Indians, and perhaps a moral obligation on the part of the Government to defend their reservation, but it is now about four years since Mr. Ward's first appointment, and it seems to me that if it is the desire of Congress that the Department of Justice shall continue to defend the rights of these Indians, that desire should be manifested either by some resolution or legislation upon the subject. Of course this Department is quite willing to undertake this work, but in view of the statute forbidding any department from contracting any debts not provided for by law, it is deemed wiser to annul this appointment and bring the matter to the attention of Congress, which is accordingly done.

The inclosed copy of a letter from Mr. Shirley C. Ward, the attorney in charge of this matter, explains the situation.

Very truly yours,

W. H. H. MILLER,
Attorney-General.

HON. HENRY L. DAWES,
United States Senate.

LOS ANGELES, CAL., April, 1890.

DEAR SIR: I inclose herewith my bill for services as special United States attorney for the Mission Indians in California from May 5, 1888, to April 1, 1890, rendered under appointment of January 14, 1886. (See letter N. N. R. 218, Department of Justice, dated January 14, 1886.) By referring to your letter of August 2, 1889, to the honorable Secretary of the Interior, a copy of which you forwarded to me, you will see that my compensation will have to be obtained by special Congressional appropriation. The bill has been approved by ex-Indian Agent Preston and by Major Rust, the present agent for this agency, and I now submit the same to you for your approval, and if approved by you I would like for you to refer the matter to Congress with your approval for immediate action by this session of Congress if possible.

The following is a more extended account of the service rendered than is contained in the bill itself, viz: The first service charged of representing the Indians in the case of John Morongo *et al. vs.* John C. North and Richard Gird, is a suit in equity in the United States circuit court for the southern district of California, and is brought to quiet and establish the title of the Indians to lands in the Patrero or Banning Reservation in San Bernardino County, California. The suit also stays all proceedings in an ejectment suit entitled North & Gird *vs.* J. W. Preston, United States Indian Agent, *et al.*, commenced in the superior court of San Bernardino County and removed by me from such court to the Federal court. The ejectment suit was commenced by Messrs. North & Gird against Col. J. W. Preston (the then United States Indian Agent for the Mission Indians), and the Indians in possession of some 1280 acres of land in the Potrero Reservation, being the most valuable lands in the reservation, and controlling almost the entire water supply of the Indians.

The case was intended as a test case as to the Indians' rights to all other lands in similar condition of title; nearly one-half of the lands in four townships resting upon the same state of facts, with the same laws applicable thereto. All of the trespassers upon such reservation had been evicted by the military under instructions from the Indian Department, and the ejectment suit of North & Gird *vs.* Preston *et al.*, was intended to test the Government's rights to cause such eviction. All proceedings in such suit were suspended upon filing the bill in equity in the case of Morongo *et al. vs.* North & Gird, and the taking of testimony in such case began over a year ago and has continued with adjournment from time to time ever since. A vast volume of testimony has been taken in the case and much more is yet to be taken.

The principal controversy of fact in the case is as to whether the lands in controversy were in the occupancy and possession of the Indians at the time of the transfer of sovereignty from Mexico to the United States, and it is upon the establishment of this fact in the affirmative that the successful maintenance of the rights of Indians depend. The difficulty of procuring reliable testimony as to a fact calculated to attract so little attention as the possession by Indians of a given tract of land at such an early period in this State's history, has been the great obstacle in this case, and it has required a thorough scouring of the whole country in search of such evidence, and the work has required much time and attention, and required the testimony to be taken at different places, some at Banning, some at San Bernardino, and some at Los Angeles. The Indians' title rests principally upon their possession at the time of the transfer of sovereignty from Mexico, but partially under executive orders of the President reserving the lands for Indian purposes.

The defendants' claim is principally under Congressional grant of odd sections to the Southern Pacific Railroad Company, but as to a portion of the land they hold patent from the State of California. If the case should be lost by the Indians a precedent will be established which will deprive them of their most valuable lands lying outside of Mexican grants, as all of such cases involve about the same questions of fact and law.

As to the second item in the bill, viz: The contest between the Indians and John J. Walsh. This was an audacious attempt upon the part of Walsh and some of his followers to jump an old Indian homestead, upon which the Indians had had their fields and orchards from time immemorial, but which, as it happened, had never been formally set aside by the President as Indian reservation, and had in no way been entertained by the Indians under any of the United States land laws, Walsh's idea being to secure the land which adjoins the Indian village of Agua Caliente and to establish thereon a drinking and gambling house and place of general debauchery, that Indians in the village might spend with him all their earnings. The attempt so far we have succeeded in frustrating. The matter is now on appeal by Walsh to the Secretary of the Interior. In securing our evidence and taking the testimony in the case it was necessary to go down into the mountains of San Diego County, to the little mining town of Julien, and the case required my absence from my office for about two weeks. Three briefs have already been filed in the matter.

As to the next matter charged in my bill, viz: Investigating the property rights of the Indians on the College Rancho, in Santa Barbara County, and negotiating with the ranch owners an adjustment of the Indians' rights thereon. This matter required

a trip to San Francisco and a search of the archives of the surveyor-general's office and the records of the old district court, to ascertain the condition of the ranch title and the right of the Indians thereon as reserved or established by the Mexican Government, or by the United States Land Commissioner, or the district court, and then a trip by steamer and stage to Santa Ynez, in Santa Barbara County, to view the premises in controversy and interview the witnesses and ranch owners. Upon a thorough investigation of all the facts I found that the Indians are entitled to a small portion of rather desirable lands on Sanja Cata Creek, but that they were becoming so hedged in by the surrounding lands being platted and mapped and filled up by white settlers, that it was desirable to find for them a better and more ample location upon the ranch, and this has been agreed upon by the ranch owners and myself. The ranch owners are to build the Indians comfortable houses and bring out water in an irrigating ditch to them, and to give them a much larger area of lands than they now own or claim.

As soon as this arrangement can be consummated, the Indians will be established in houses of their own, with unquestioned title, and their property interests and general welfare much improved. The matter has required several weeks of time and attention on my part, and I hope the adjustment will soon be financially consummated.

The next item in my bill, viz, services rendered in collecting data and making surveys preparatory to the bringing of some fourteen equity suits to establish the Indians' titles to their various villages and adjoining lands, on confirmed Mexican grants, in San Diego County, has been a work requiring much time and attention and much negotiation with the ranch owners, and is the most important and far-reaching work I have had in hand for the Government.

These tracts include the principal and most valuable Indian lands in this agency, the several tracts embracing from twenty to four hundred acres each, and covering the most fertile lands located upon the various ranches. The gathering of the data necessary to bring the several suits has been going on for over a year, and has now been consummated, and the suits would have been begun ere this, but negotiations have at all times been pending for amicable settlement with the ranch owners, and as to two of the ranches there is still some hope of settlement with the owners. Since the law of these cases has been established by the decision of the supreme court of this State, in the case of *Byone vs. Alas et al.*, the cases will all be fought upon the facts.

As the last item of the bill, viz, services rendered from time to time in the way of legal advice to and counsel with the Indians and Indian agent, the services include miscellaneous advice and counsel rendered to the agent and the Indians from time to time during the past two years. Questions involving the landed and water rights of the Indians have constantly been coming up, and advice required as the proper mode of protection of such rights against the encroachments of trespassers.

These services I have not attempted in any way to itemize, but render my bill for what I consider the aggregate value thereof. If you desire any further particulars as to the service rendered by me, I would refer you to Mr. Frank D. Lewis, now special United States Indian agent, and to Major H. N. Rust, the present local agent for the Mission Indians, and to Col. J. W. Preston, ex-Indian agent for such Indians.

Hoping that the bill will meet with your approval, and that an appropriation for the payment will be made by this Congress, I am, respectfully,

SHIRLEY C. WARD.

Hon. W. H. H. MILLER,
United States Attorney-General, Washington, D. C.

NORTH CAROLINA CHEROKEES.

DEPARTMENT OF JUSTICE,
Washington, D. C., May 15, 1890.

SIR: I herewith transmit to you papers with reference to a matter which to my mind is of grave importance and needs special consideration by Congress. The papers that I send are:

First, a copy of a letter by the Indian agent, James Blythe, at the Cherokee Agency in North Carolina, dated April 14, 1890.

Second, a letter, without date, by Hon. B. C. Hobbs, of Bloomingdale, Ind., with reference to the same subject matter.

Third, a letter addressed to me by Assistant Attorney-General Maury, of this Department.

Fourth, a copy of a bill in chancery, filed by the United States in the circuit court for the western district of North Carolina, some two years ago.

These papers largely explain themselves. The simple fact seems to be that the

titles to the lands belonging to this Eastern Band of Cherokee Indians have by a series of transactions, which are set forth in the bill in detail, and more generally in Mr. Maury's letter, become entangled in such a manner that nothing except a successful prosecution of this suit can relieve the situation and give to these people an assured tenure of these lands. The task, however, is one involving immense labor and time, and, as we think, ought to be supported and backed by a special appropriation by Congress for this purpose.

In his letter addressed to me, Mr. Assistant Attorney-General Maury, who prepared and filed the bill, suggests that, in order to defray the expenses of this proceeding, an appropriation of \$15,000 ought to be made. I will be greatly obliged if you will look into this matter, and if you desire further information, if you will call upon Mr. Assistant Attorney-General Maury he will be glad to come before your committee at any time and give you such detailed information in regard to the case as is in his possession.

I would suggest, also, that the Indian Office can give a good deal of valuable information in reference to the matter.

I ought to say that Mr. Hobbais, as you probably know, a very eminent and worthy member of the Friends' Church, well known not only in Indiana, but generally throughout the United States; that he has been giving for years attention to the interests of these people, and I am assured by him that he will be glad to co-operate in any way in this matter.

Respectfully yours,

W. H. H. MILLER,
Attorney-General.

HON. HENRY L. DAWES,
Chairman Committee on Indian Affairs, United States Senate

DEPARTMENT OF JUSTICE,
Washington, April 28, 1890.

SIR: Permit me to ask your attention to the case of the United States *vs.* William H. Thomas and others, now pending in the circuit court of the United States for the western district of North Carolina.

The bill in this case was filed nearly two years ago for the purpose of giving repose to the land titles of the Eastern Band of the Cherokee Indians, that being the name under which the part of the tribe of Cherokees are known who chose to remain in North Carolina when the rest of the tribe went to the Indian Territory pursuant to the treaty made at New Echota, on December 29, 1835 (17 Stat., 478).

The difficulties in which these North Carolina Indians became involved grew out of their dealings with one William H. Thomas, who seems to have had their unlimited confidence.

Thomas collected the money coming to them from the United States from time to time, and, what he did retain for supplies furnished them by him—for he did a large business in that way—he invested in land for their benefit, but took all the titles in his own name.

Thomas becoming embarrassed, three judgments were recovered against him for a large sum of money by William Johnston, one of the defendants. These judgments were liens on the land purchased by Thomas for the Indians.

To protect the Indians the Commissioner of Indian Affairs bought the judgments against Thomas, and they were assigned to him.

Afterwards, by an act approved August 14, 1876 (19 Stat., 139), Congress authorized the Commissioner of Indian Affairs to receive satisfaction of these judgments in certain lands "to be taken at their cash value, to be determined by an appraiser to be approved by the Secretary of the Interior, and conveyed to the Eastern band of the Cherokees in fee-simple, etc."

As to the action taken under the act of August 14, 1876, the bill states with particularity (paragraph 12, p. 13; see Appendix hereto) that it was characterized by a disregard of the ordinary rules of business and a recklessness of the interests of the Indians "and that suspicions hang around the said pretended settlement which, it is believed, nothing short of a thorough investigation by a competent master, acting under an order of reference by this honorable court, can dispel."

It can not be doubted that these distressing difficulties and complications growing out of the act of 1876 could have been prevented by the United States if proper persons had been employed to carry out that act; nor can it be doubted that it is the duty of the United States to extricate these Indians from the almost hopeless embarrassments under which they have been laboring for many years.

It is perhaps natural that a state of feeling has long existed between these Indians and the people of North Carolina that makes it proper that the jurisdiction of a Federal court should be invoked, and that also makes it proper that some lawyer of ability should be selected, who could not be supposed, from residence or affiliation, to have any prejudices or predilections in the matter, to act as master in the pending suit to disentangle the affairs of these Indians and report some scheme of relief.

To secure the services of such a person and to provide for any other expenses it is necessary that Congress should appropriate the sum of \$15,000, at least, the same to be disbursed by the Attorney-General.

I have the honor to be, sir, your obedient servant,

WM. A. MAURY,
Assistant Attorney-General.

THE ATTORNEY-GENERAL.

APPENDIX.

PARAGRAPH XII OF THE BILL.

XII. And your orator avers that in applying the said act of 14th August, 1876, there was an entire failure to use even so much as ordinary precaution to protect the interests of the said Indians, and that, as a consequence, great discontent and dissatisfaction have been the results of proceedings which were set on foot for the purpose of securing confidence and repose among the said Indians; that it was certainly the duty of those charged with receiving land in satisfaction of said judgments not to credit the same by the value of any lands held by individual Indians and not fully paid for until each Indian had been applied to to know what was due on his land and whether he was ready to pay it, and until those representing the interests of Thomas had surrendered the evidence of indebtedment of such Indian; whereas your orator avers that such evidences of indebtedment have never been delivered up and are still held by those in charge of the interests of said Thomas, who is now *non compos mentis*, and that no statement has ever been made to show the actual amount due from each Indian to the said Thomas; and your orator avers that it is not surprising to find, as the result of so negligent a course of conduct, that some Indians are constantly demanding conveyances from your orator, insisting that they owed nothing to said Thomas at the time their lands were applied in satisfaction of the said judgments; and your orator avers that in taking the said lands of Indians who had purchased from said Thomas in satisfaction of said judgments the lands so taken were applied to the judgments without regard to the amounts that had been paid Thomas by the Indians on the lands purchased, thus, to that extent, giving Thomas double satisfaction in each case for one and the same debt, and your orator avers that it has been pretended that what was owing Thomas by the Indians was considerably in excess of the value of the lands purchased, but your orator conceives that this is not probable, seeing that said Thomas or those charged with his interests would hardly have made a settlement so detrimental to those interests, and certainly it is not to be accepted as fact until said Thomas or those representing him have been compelled to produce the said evidences of debt and other data held by them, so that an account may be stated showing precisely what was due from each Indian; and your orator avers that although the said act of 1876 requires an appraisal of the lands received in discharge of such judgments to be approved by the Secretary of the Interior, a large part of the lands so received were not appraised, and it is charged, and believed to be true as charged, that such lands were taken at a valuation much beyond their cash value; that in some instances there was a total failure of title, and that in selecting said lands those representing the said Indians were forced to select without any opportunity to ascertain the character of the lands from which the selection was to be made; and your orator avers that so much dissatisfaction and discontent have grown out of the proceedings under the said act of 1876, and all parties directly concerned in applying said act have been so regardless of the ordinary rules of business and so reckless of the interests of the Indians, that it is not strange that those charged with said interests have never allowed the said judgments to be entered satisfied, but have kept the same operative and alive, and that suspicions hang around the said pretended settlement which, it is believed, nothing short of a thorough investigation by a competent master, acting under an order of reference by this honorable court, can dispel.

MEMORANDUM.

One William H. Thomas received, as agent of the North Carolina Cherokees, considerable sums of money which were left in his hands for investment in lands.

Thomas bought large tracts of land for the Indians, but took the titles in his own name.

Thomas became embarrassed, and several judgments were obtained against him amounting to \$33,887.11.

These judgments became liens on the lands bought with the money of the Indians.

To protect the lands, thus encumbered, the Commissioner of Indian Affairs, under the supposed authority of the act of Congress of March 3, 1875 (18 Stat., 447, page 10 of the bill), bought the said judgments for the sum of \$19,245.53, that being the amount then due on them, the said sum being taken from the money held by the Secretary of the Treasury in trust for the Indians, under the act of July 29, 1848 (9 Stat., 264, and page 2 of the bill).

By the act of August 14, 1876 (19 Stat., 139, and page 11 of the bill), it is provided that the Commissioner of Indian Affairs may receive in payment of these judgments certain lands at their cash value, to be determined by an appraisal to be approved by the Secretary of the Interior, and if such lands should not suffice, then such other lands as the said Indians might select, to an amount sufficient to satisfy the judgments.

It is in the pretended settlement of the judgments under this statute that the fraud and oppression were practiced that have filled the Indian community with discontent.

It is the principal object of this suit to restore these Indians to the rights of which they were deprived by fraud and coercion.

The United States, having applied the trust money of these Indians to the purchasing of these judgments, is in duty bound to leave no effort untried to secure them an equivalent for the trust money thus applied, either in money or land fairly appraised.

The United States is bound to have the settlement obtained by fraud and duress set aside, and sues as trustee under the act of Congress (*supra*) and as sovereign, in virtue of duties cast upon it by the treaty of New Echota.

WM. A. MAURY,
Assistant Attorney-General.

WASHINGTON, June 17, 1890.

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