

ARREARS DUE CHICKASAW NATION.

MARCH 8, 1878.—Recommitted to the Committee on Indian Affairs and ordered to be printed.

Mr. GUNTER, from the Committee on Indian Affairs, submitted the following

REPORT:

[To accompany bill H. R. 3729.]

The Committee on Indian Affairs, to whom was referred the petition of B. F. Overton, governor, and Josiah Brown and John E. Anderson, commissioners, of the Chickasaw Nation, respectfully submit the following report:

In the years 1832 and 1834 the Chickasaw Nation, then occupying their ancient lands in the State of Mississippi, entered into four treaties with the United States, whereby they sold to the United States all of their lands east of the Mississippi River, and agreed to emigrate to territory west of that river, and the United States agreed to dispose of the proceeds of sales of their lands in Mississippi in accordance with the following stipulation:

The funds thence resulting, after the necessary expenses of surveying and selling and other advances which may be made are repaid to the United States, shall, from time to time, be invested in some secure stocks, redeemable within a period of not more than twenty years, and the United States will cause the interest arising therefrom annually to be paid to the Chickasaws. (7 Stat., 382, 385, 454.)

In 1852 the United States and the Chickasaw Nation entered into a treaty which contains the following provision:

ARTICLE 5. The Chickasaw Nation desires that the whole amount of their national fund shall remain with the United States in trust for the benefit of this people, and that the same shall on no account be diminished. It is therefore agreed that the United States shall continue to hold the said fund in trust as aforesaid, and shall constantly keep the same invested in safe and profitable stock, the interest upon which shall be annually paid to the Chickasaw Nation: *Provided*, That so much of said fund as the Chickasaws may require for the purpose of enabling them to effect the permanent settlement of the tribe, as contemplated by the treaty of 1834, shall be subject to the control of their general council. (10 Stat., 975.)

By the treaty entered into April 28, 1866, between the United States and the Choctaw and Chickasaw Nations, it is provided as follows:

ARTICLE 5. A general amnesty of all past offenses against the laws of the United States committed before the signing of this treaty by any member of the Choctaw or Chickasaw Nations is hereby declared; and the United States will especially request the States of Missouri, Kansas, Arkansas, and Texas to grant the like amnesty as to all offenses committed by any member of the Choctaw or Chickasaw Nations; and the Choctaws and Chickasaws, anxious for the restoration of kind and friendly feelings among themselves, do hereby declare an amnesty for all past offenses against their respective governments, and no Indian or Indians shall be prosecuted, or any act of forfeiture or confiscation passed against those who may have remained friendly to the United States, but they shall enjoy equal privileges with other members of said tribes, and all laws heretofore passed inconsistent herewith are hereby declared inoperative.

ARTICLE 10. The United States reaffirms all obligations arising out of treaty stipu-

lations or acts of legislation with regard to the Choctaw and Chickasaw Nations, entered into prior to the late rebellion, and in force at that time, not inconsistent herewith; and further agrees to renew the payment of all annuities and other moneys accruing under such treaty stipulations and acts of legislation from and after the close of the fiscal year ending on the 30th of June, in the year 1866.

ARTICLE 40. All the rights, privileges, and immunities heretofore possessed by said nations, or individuals thereof, or to which they were entitled under the treaties and legislation heretofore made and had in connection with them, shall be, and are hereby, declared to be in full force, so far as they are consistent with the provisions of this treaty. (14 Stat., 770, 774, 779.)

These articles, construed together, afforded a general amnesty to all members of the Chickasaw Nation for all past offenses against the United States committed by any member of said nation before the signing of the treaty; the United States reaffirming all obligations arising out of treaty stipulations or acts of legislation with regard to the Chickasaw Nation, entered into prior to the late rebellion, not inconsistent with the stipulations of the treaty of April 28, 1866.

This action on the part of the United States, taken on the 28th day of April, 1866, restored the Chickasaw Nation, from and after said date, to the same rights and privileges which they held before the war of the rebellion in accordance with their treaty stipulations. But no provision was then made for the payment of the accrued interest which was due or might have been due on the 30th day of June, 1866. The provision then made was this:

That the United States agrees to renew the payment of all annuities and other moneys accruing under treaty stipulations and acts of legislation from and after the close of the fiscal year ending on the 30th day of June, in the year 1866.

The Secretary of the Interior, in a written communication to the committee, dated January 25, 1878, states that from the records of his department it appears that there is due the Chickasaw Nation, as accrued and unpaid interest on bonds held by the United States in trust for the use of said Chickasaw Nation, the sum of \$222,290.25, as follows:

For arrears of interest from January 1, 1861, to July 1, 1866, on 616,000 Tennessee bonds, at 6 per cent. per annum, for $5\frac{1}{2}$ years	\$203,280 00
For arrears of interest from January 25, 1865, to July 1, 1866, \$66,666.66 $\frac{2}{3}$, Tennessee bonds, at $5\frac{1}{4}$ per cent. per annum, 5 years and 157 days	19,010 25

The petitioners claim that there is due as interest on said trust-fund, which accrued prior to July 1, 1866, the sum of \$297,890.25. This proves to be a mistake, and is explained as follows:

The United States purchased, for the use of the Chickasaw Nation, bonds of the State of Arkansas in the sum of \$90,000. On these bonds the State of Arkansas failed to pay the interest, and on the 1st day of July, 1866, there was due on the bonds interest at 6 per cent. per annum from July 1, 1852, fourteen years, at 6 per cent., amounting to \$75,600.

In accordance with the provisions of an act approved December 13, 1872 (17 Stat., 397) these bonds of the State of Arkansas, originally purchased in the sum of \$90,000, were funded in new bonds of that State, and the interest then due from the State was also funded by the issue of bonds.

The accrued interest (\$75,600) and the amount of the principal of the bonds originally purchased of the State of Arkansas (\$90,000), with some additional interest added at the time of payment, making in all the sum of \$168,300, was funded, in 1873, in accordance with the provisions of the act of December 13, 1872, and now stands to the credit of the Chickasaw Nation on the books of the Interior Department.

The reasons for the non-payment of the interest which accrued on the Tennessee bonds between the dates of January 1, 1861, and July 1, 1866, in the sum of \$222,290.25, may be briefly stated as follows:

First. Congress has not as yet made any appropriation for the payment of said interest.

Second. The first section of the act of July 3, 1862 (12 Stat., 582) provides that all appropriations heretofore or hereafter made to carry into effect treaty stipulations or otherwise in behalf of any tribe or tribes of Indians, all or any portion of whom shall be in a state of actual hostility to the Government of the United States, including the Chickasaws, may and shall be suspended and postponed, wholly or in part, at and during the discretion and pleasure of the President.

During this period of the fiscal years from July 1, 1861, to July 1, 1872, no estimates appear to have been made to Congress by the Interior Department for the payment of the accrued interest in question.

On the 13th day of April, 1872, the Acting Secretary of the Interior submitted to Congress an estimate of appropriation for payment to the Chickasaw Nation of Indians of the balance of accrued interest then due, and requested the favorable action of Congress upon the said estimate.

On the 23d day of April, 1874, the Secretary of the Interior resubmitted to Congress the estimate of appropriation required to pay the said accrued interest to the Chickasaw Nation that had been submitted the year before.

It appears that Congress failed to make the appropriation as requested.

The petitioners, having ascertained from the communication of the Secretary of the Interior, to which reference has been made, that by the refunding of the Arkansas bonds and interest the amount due the Chickasaw Nation in the premises has been reduced from \$297,890.25, the amount stated in their petition, to \$222,290.25, now ask that the amount due may be provided for by an investment of \$100,000 in bonds of the United States, to be held in trust for the Chickasaw Nation by the United States, and an appropriation of the sum of \$122,290.25, to be paid in money into the treasury of the Chickasaw Nation.

The Secretary of the Interior, in his communication of January 25, 1878, informs the committee that he is of opinion that the Chickasaw Nation has both a legal and equitable claim against the United States for the sum of \$222,290.25, being for interest which accrued between the dates of January 1, 1861, and July 1, 1866, on certain bonds held in trust by the United States for the use of the Chickasaw Nation.

The committee concur in this opinion, and recommend the passage of the accompanying bill.