

IN THE SENATE OF THE UNITED STATES.

JULY 9, 1892.—Ordered to be printed.

Mr. SHOURP, from the Select Committee on Indian Depredations, submitted the following

REPORT:

[To accompany an amendment intended to be proposed to the bill (H. R. 9284) making appropriations to supply deficiencies, etc. \* \* \* and referred to the Committee on Appropriations.]

The Committee on Indian Depredations reports an amendment to the general deficiency bill for the payment of judgments of the Court of Claims in Indian depredation cases, amounting to \$479,067.62, accompanied by the following proviso:

*Provided*, That any amount so paid from the Treasury of the United States shall remain a charge against any Indian tribe adjudged liable therefor, and shall be deducted from any annuity, fund, or appropriation which may become due from the United States to such tribe: *Provided, however*, That if in the opinion of the Secretary of the Interior the financial condition of any tribe against whom judgement has been rendered on account of depredations committed by members of that tribe is such as to imperatively demand for their support, education, or civilization the full amount that would be due them for interest on any fund to their credit in the Treasury of the United States, or if in his judgment it would be injudicious immediately to use the moneys of the said Indians for the purpose of paying the judgment rendered against them as aforesaid, then any such judgment shall be reimbursed to the United States at such times and in such proportions as the Secretary of the Interior may decide to be for the interests of the Indian service.

A list of the claims making up the foregoing amount of \$479,067.62 is contained in a communication from the Attorney-General to the Senate, dated July 7, 1892, being Executive Document No. 134 of the present Congress, a copy of which is annexed to this report.

These judgments have been rendered by the Court of Claims in due and complete accordance with the act of March 3, 1891, entitled, "An act to provide for the adjudication and payment of claims arising from Indian depredations." The subject of these claims had been many times carefully investigated by committees of Congress. The Senate report, in pursuance of which the act of March 3, 1891, was adopted, was made from the Select Committee on Indian Depredations, on May 16, 1890, is printed as Senate Report No. 1016, Fifty-first Congress, first session, and fully reviews the history of the claims.

The law was enacted to perform the obligations of the Government incurred by a stipulation contained in various acts of Congress from 1796 down to 1834, as follows:

[Act of May 19, 1796 (1 U. S. Stat. at Large, 472).]

And, in the meantime, in respect to the property so taken, stolen, or destroyed, the United States guarantee to the party injured an eventual indemnification.

## INDIAN DEPREDAATION CLAIMS.

[Act of March 3, 1799, 1 Stat. at Large, 747.]

And, in the meantime, in respect to the property so taken, stolen, or destroyed, the United States guarantee to the party injured an eventual indemnification.

[Act of June 30, 1834, 4 Stat. at Large, 731.]

And, in the meantime, in respect to the property so taken, stolen, or destroyed, the United States guarantee to the party so injured an eventual indemnification.

The act of March 3, 1891, passed in fulfillment of the above obligations of the United States, contained carefully enacted provisions for making proper defense in behalf of the United States and the Indians to all Indian depredation claims presented to the Court of Claims in pursuance of the act, and all appropriations for paying the expenses of making such defense have been made for which the Attorney-General has asked.

Under these circumstances the Committee on Indian Depredations has not felt called upon to review or reëxamine the facts in any of the cases where judgment was rendered by the Court of Claims, and no appeal was taken to the Supreme Court of the United States. Such a review and reëxamination undoubtedly should take place in any case where a suggestion is made of fraud or error in connection with the procurement of the judgment. No such case has yet appeared to the committee.

The gross amount of the claims pending before the Court of Claims is very large; but this amount will, in the opinion of the committee, be reduced through adjudications to less than one-third of the sums nominally claimed. In view of all the circumstances upon which the legislation of Congress from the act of May 19, 1796, down to the act of March 3, 1891, is based, the committee believes that Congress should accept as final, the judgments rendered by the Court of Claims in the absence of any suggestion or charge of fraud or error.

The provision contained in the act of March 3, 1891, that any amount paid from the Treasury of the United States shall remain a charge against any Indian tribe adjudged liable therefor, and shall be deducted from any annuity, fund, or appropriation which may become due from the United States to such tribe, is repeated in the clause of appropriation recommended by the committee, coupled, however, with certain limitations thereof which were recommended by the Secretary of the Interior in a letter to the Senate of June 27, 1892, Ex. Doc. No. 117, Fifty-second Congress, first session, and in a letter from the Commissioner of Indian Affairs to the Secretary of the Interior, dated June 29, 1892, copies of which are herewith appended.

Senate Ex. Doc. No. 134, Fifty-second Congress, first session.

L E T T E R

FROM

THE ACTING ATTORNEY-GENERAL,

IN RESPONSE TO

*Senate resolution of July 1, 1892, transmitting a list of judgments in Indian depredation cases.*

---

JULY 8, 1892.—Referred to the Select Committee on Indian Depredations and ordered to be printed.

---

DEPARTMENT OF JUSTICE,  
Washington, D. C., July 7, 1892.

SIR: I have the honor to acknowledge the receipt of the resolution of the Senate of July 1, as follows:

*Resolved*, That the Attorney-General be directed to transmit to the Senate a list of the judgments rendered in the Court of Claims in Indian depredation cases since the 1st of June, 1892, together with a statement of the date when each was rendered, in whose favor rendered, and the amount in each case.

I am also in receipt of a request from Senator Shoup, chairman of the Select Committee on Indian Depredations, that there be included in the report called for above a statement of the judgments entered in the Court of Claims in Indian depredation cases up to the 1st of June, 1892. In pursuance of such resolution and request, I herewith transmit a list of all judgments, which have not been reversed or set aside, rendered in the Court of Claims in Indian depredation cases in favor of claimants up to July 1, 1892, under the act of March 3, 1891, "to provide for the adjudication and payment of claims arising from Indian depredations," with the date of each judgment.

Very respectfully,

CHARLES H. ALDRICH,  
*Acting Attorney-General.*

THE PRESIDENT OF THE SENATE.

List of Indian depredation cases in which judgments have been rendered in the Court of Claims, up to July 1, 1892.

In whose favor rendered.	Amount of judgment.	Date of judgment.
Mortimer Hynes.....	\$85.00	Jan. 11, 1892
John B. Tompkins.....	2,400.00	Do.
Julius Cragner.....	350.00	Do.
Isaac Van Bremmer.....	625.00	Do.
Mary Widner, administratrix of Christopher Widner, deceased.....	1,250.00	Do.
C. J. Van Meter.....	575.00	Do.
William T. Asbell.....	550.00	Do.
Mary Widner, administratrix of Christopher Widner, deceased.....	1,432.95	Do.
James Longmire.....	544.50	Do.
John Watkins.....	475.00	Do.
Harvey S. Shepard, administrator of Charles P. Shepard, deceased.....	223.00	Do.
A. J. Knott, administrator of Joseph Knott, deceased.....	1,744.40	Do.
William H. Baker.....	50.00	Do.
B. F. Dowell.....	200.00	Do.
Maggie Dickinson, administratrix of Asbury Dickinson, deceased.....	143.00	Do.
Nils Peterson.....	250.00	Do.
Ellen Lockwood, administratrix R. B. Lockwood, deceased.....	323.09	Do.
Hubert Pappan.....	187.00	Do.
Patrick O'Byrne.....	50.00	Do.
Manuel Silva.....	325.00	Do.
Robert M. Wright.....	600.00	Do.
H. C. Bridgman.....	215.00	Do.
George Harper.....	2,900.00	Do.
Zachariah T. Walrond.....	100.00	Do.
Charles Owen.....	418.75	Do.
James R. Mead.....	820.00	Jan. 12, 1892
M. J. McDaniel, administrator J. D. Peck, deceased.....	900.00	Jan. 13, 1892
William M. Wright.....	98.00	Jan. 14, 1892
A. B. Medlan.....	575.00	Do.
Mary E. Owens, administratrix Thos. E. Owens, deceased.....	380.00	Do.
James C. Loving.....	3,510.00	Mar. 28, 1892
Rachael Gilbert.....	2,800.00	Apr. 4, 1892
Campbell & Clinton.....	475.00	Apr. 18, 1892
John J. Moss.....	339.35	Do.
Felix G. Iman.....	1,543.50	Do.
William Kronig, administrator Samuel B. Watrous, surviving partner of Watrous & Burnham.....	2,787.00	Do.
John A. Gordon.....	125.00	Do.
J. H. Estes.....	417.00	Do.
Jerome McAllister.....	725.00	Do.
Mrs. S. B. Jacobs, administratrix William Jacobs, deceased.....	495.00	Do.
V. B. Peterson.....	500.00	Do.
Henry A. Whaley.....	2,280.00	Do.
Theodore A. Sloan, administrator of Chas. Autobees, deceased.....	2,080.00	Do.
Joseph T. Fanning.....	330.00	Do.
A. J. Henson.....	800.00	Do.
C. W. Cooper.....	2,500.00	Do.
Daniel E. Moore.....	2,050.00	Do.
Seth E. Ward, surviving partner of Ward & Guerrier.....	7,947.54	Do.
Chapman & Tuttle.....	2,025.00	Do.
George W. McDonald & Co.....	1,275.00	Do.
David A. Smith & Eben Smith.....	900.00	Do.
W. J. Welborn.....	225.00	Do.
Alphonse Bishop.....	75.00	Do.
E. B. Akerly.....	1,310.00	Do.
John Hensley.....	1,950.00	Do.
David Cottiers.....	390.00	Do.
Arthur J. Chapman.....	14,150.75	Do.
Louis Pashall.....	250.50	Do.
Ezekiel Bailey.....	2,650.00	Do.
Susan A. Payne and Thomas A. McCleary, administrators Edward W. Payne, deceased.....	1,230.00	Do.
Richard F. Barrett.....	1,558.00	Do.
Barney Hughes.....	687.50	Do.
B. Brockway, administrator Austin Rice, deceased.....	470.50	Apr. 25, 1892
J. W. Ladd.....	600.00	Do.
Louis Bordeaux, administrator James Bordeaux, deceased.....	1,550.00	Do.
George Fleming.....	700.00	Do.
Eli M. Sewell.....	800.00	Do.
Wm. McCullough, administrator Martin W. Newland.....	340.00	Do.
Charles W. Conger.....	240.00	Do.
Hettie Bellmard, administratrix Moise Bellmard, deceased.....	678.00	Do.
Helen Watkins, administratrix Homer Winters, deceased.....	250.00	Do.
O. P. Goodwin.....	240.00	Do.
James H. Nixon, administrator John Nixon, deceased.....	414.00	Do.
Charles Rath.....	1,100.00	Do.
David Lucas.....	100.00	Do.
John F. Sturgill.....	90.00	Do.
E. J. Alexander.....	230.00	Do.
William McCullough.....	300.00	Do.

List of Indian depredation cases in which judgments have been rendered in the Court of Claims, up to July 1, 1892—Continued.

In whose favor rendered.	Amount of judgment.	Date of judgment.
F. M. Phillips.....	\$400.00	Apr. 25, 1892
J. H. Richards, administrator John A. Richards, deceased.....	574.00	Do.
Francis M. Vanderpool.....	351.00	Apr. 26, 1892
M. A. Mousseau.....	2,513.75	Do.
Abney & Bender.....	950.00	Do.
Oliver P. Goodwin.....	1,800.00	Do.
H. M. Fosdick.....	500.00	Do.
Francis C. Boucher.....	225.00	Do.
John Jones.....	560.00	Do.
Hiram B. Kelly.....	3,450.00	Do.
John H. Durbin, administrator D. C. Tracy, deceased.....	2,500.00	Do.
W. H. Bush.....	375.00	Do.
F. A. Baldwin, administrator R. F. Blinn, deceased.....	1,200.00	Do.
Vivian Baca.....	7,160.00	Do.
James N. Clark.....	4,675.00	Do.
Austin E. Koon, administrator G. W. Koon, deceased.....	1,568.75	Apr. 28, 1892
Wm. Kronig.....	665.00	May 2, 1892
Jesus Garcia.....	85.00	Do.
Juan Chavez y Pena, administrator Francisco Chavez, deceased.....	662.50	Do.
Tranquillino Luna, administrator Antonio José Luna.....	9,850.00	May 3, 1892
George Hollister.....	321.00	May 4, 1892
Joseph M. Apodaca.....	150.00	Do.
John Watts.....	650.00	Do.
George F. Brott.....	350.00	Do.
Charles Probst and August Kirchner.....	370.00	Do.
Marlon G. Samaniego.....	9,350.50	May 9, 1892
Marlon G. Samaniego, administrator Bartolo T. Samaniego, deceased.....	1,599.50	Do.
Isaac W. Baker, administrator Wm. Baker, deceased.....	600.00	Do.
Francisco Lopez.....	225.00	Do.
Wm. M. Murphy.....	692.50	Do.
Rudolph Irminger.....	1,222.00	May 10, 1892
H. M. Chase.....	5,736.50	Do.
Charles H. Bitting.....	636.50	Do.
Dennis Sheedy.....	5,929.00	May 11, 1892
Patrick Gosson.....	225.00	Do.
Jesse H. Crane.....	3,300.00	Do.
Ledrick & Whittaker.....	6,800.00	Do.
Bickford & Stanley.....	600.00	Do.
C. H. Shearon.....	100.00	Do.
Bazille Clemens.....	1,740.00	Do.
Amado C. de Baca, administrator Tomas C. de Baca, deceased.....	2,330.00	Do.
L. T. Richmond, administrator J. H. Richmond, surviving partner of Curtis & Richmond.....	4,144.50	Do.
Bickford & Stanley.....	1,000.00	Do.
May J. Hamilton, executrix Samuel M. Hamilton, deceased.....	5,664.00	Do.
J. D. & T. C. Hulett.....	7,800.00	Do.
Flower & Fitzhugh.....	3,000.00	Do.
Frederick Fredley.....	3,175.00	Do.
Rock Bush.....	700.00	Do.
John M. Edwards.....	242.50	Do.
Glendore De Gray.....	625.00	Do.
Encarnacion Montoya de Martinez, administrator of Leandro Martinez, deceased.....	1,475.00	May 17, 1892
Elizabeth J. Amis, administratrix of Holland Bailey, deceased.....	5,443.75	May 24, 1892
José Maria Chavez.....	1,015.00	June 13, 1892
James C. Loving.....	2,115.00	Do.
John T. Mitchell, administrator of Cyrenius Beers.....	7,800.00	Do.
John S. Luff.....	7,000.00	Do.
Richard F. Platt, Henry T. Anderson, and James Bryden.....	6,225.00	Do.
George N. Moses.....	485.00	Do.
Albert Halladay.....	1,919.25	Do.
Henry C. Frazier.....	1,375.00	June 16, 1892
Rafael Romero.....	10,025.00	Do.
W. R. Stansell.....	126.00	Do.
James K. Belk.....	300.00	Do.
Julia F. Halsell, administratrix of J. G. Halsell, deceased.....	17,720.00	Do.
James C. Loving.....	2,015.00	Do.
James Bainter.....	4,432.50	Do.
Albert Halladay.....	6,809.00	Do.
Samuel J. Martin.....	2,075.00	June 30, 1892
Joseph S. Lacomb, administrator of August Lacomb, deceased, surviving partner August Lacomb & Bro.....	692.00	Do.
Francis Garcia de Montoya, José Montoya, Entimio Montoya, administrators of Estanislao Montoya.....	700.00	Do.
David Robertson.....	75.00	Do.
Seth E. Ward.....	25,750.00	Do.
John H. Rouse.....	490.00	Do.
Bernard, Irwin & Piper.....	900.00	Do.
Marcus Ulibarri.....	460.00	Do.
Philip Gomer and Milton M. Delano.....	4,350.00	Do.

List of Indian depredation cases in which judgments have been rendered in the Court of Claims, up to July 1, 1892—Continued.

In whose favor rendered.	Amount of judgment.	Date of judgment.
Margatha Burke, administratrix of John Burke.....	\$5,612.50	June 30, 1892
Frank Kelley.....	5,300.00	Do.
Encarnacion Armenta.....	442.00	Do.
Elisha S. Babcock, administrator of A. E. Babcock, of the firm of Smythe & Babcock, O. R. Smyth, surviving partner Smythe & Babcock.....	13,640.00	Do.
C. H. Hardisty.....	1,540.00	Do.
George Sanderson, surviving partner Sanderson & White.....	1,050.00	Do.
Cornelia G. de Baca, administratrix of Simon de Baca.....	2,000.00	Do.
Daniel J. Winters, surviving partner of Montague & Winters.....	935.00	Do.
Francisco Lopez and Lorenzo Lopez.....	2,750.00	June 13, 1892
Cornelia G. de Baca, administratrix of Simon Baca.....	1,656.25	June 30, 1892
Rafael Whittington, administrator of James H. Whittington.....	3,900.00	Do.
Henry Largey, administrator of Matthew McCune (Matthew McCuone).....	208.16	Do.
Amado C. de Baca, administrator <i>de bonis non</i> of Tomas C. de Baca, deceased.....	240.00	Do.
Manuel Abrew and Peter Maxwell, administrators of Lucien B. Maxwell.....	4,200.00	Do.
Amado C. de Baca, administrator <i>de bonis non</i> of Tomas C. de Baca, deceased.....	1,230.00	Do.
Frank S. Landry.....	940.00	Do.
Thomas Ogle.....	350.00	Do.
Amado C. de Baca, administrator <i>de bonis non</i> of Tomas C. de Baca, deceased.....	312.50	Do.
Joaquin Montoya.....	465.00	Do.
Mrs. Orilla A. Berger, formerly Barton.....	225.00	Do.
Jonathan W. McCarty.....	1,116.50	Do.
J. C. Clark.....	1,455.00	Do.
Amado C. de Baca, administrator <i>de bonis non</i> Tomas C. de Baca, deceased.....	3,160.00	Do.
Vicente Baca.....	360.00	Do.
Fielding Burns.....	1,000.00	Do.
Do.....	4,620.00	Do.
Olive Lyon, administratrix J. P. Thomas, deceased.....	1,500.00	Do.
George Maxwell.....	5,625.00	Do.
Fred W. Westmeyer.....	210.95	Do.
Wm. Kronig, administrator S. B. Watrous.....	3,375.00	Do.
José L. Ribera, administrator Prudencia Lopez.....	5,200.00	Do.
John Nance.....	75.00	Do.
Lafayette Abbington.....	200.00	Do.
Andrew Dean (or Dehn).....	350.00	Do.
Aaron Grigsby.....	108.15	Do.
James Smith.....	550.00	Do.
Hugh Campbell.....	338.00	Do.
P. C. Davis.....	600.00	Do.
Mrs. E. A. Bellion.....	651.00	Do.
J. E. Van Natta.....	520.50	Do.
John Sonne.....	597.00	Do.
Oren C. Davis.....	250.00	Do.
Michael Duval.....	515.00	Do.
Patricio Ortega, administrator Albino Ortega, deceased.....	960.00	Do.
G. D. Richardson.....	192.00	Do.
Wm. N. Moore, administrator Samuel C. Moore.....	500.00	Do.
José Felipe Baca, administrator Antonio Baca y Baca.....	3,900.00	Do.
Wm. H. Raymond and Winthrop Raymond.....	3,800.00	Do.
Wm. Slusher.....	745.00	Do.
Eugene Middleton, administrator Wm. Middleton.....	3,095.00	Do.
Henry C. Smith.....	600.00	Do.
Tunis Swick.....	2,826.50	Do.
Simon Lundry, surviving partner of the firm of Tichnor & Lundry.....	6,301.80	Do.
Wm. R. Baker.....	2,527.00	Do.
H. Z. Salomon.....	8,108.48	Do.
H. C. Hooker.....	14,150.00	Do.
James L. Allen.....	285.00	Do.
Wm. F. Briggs.....	40.00	Do.
José A. Montoya, administrator Maria Marta Gallegos.....	100.00	Do.
William McBean.....	1,966.50	Do.
H. J. Standage.....	750.00	Do.
Ysabel Blanchard, administratrix of Ward B. Blanchard, deceased.....	2,300.00	Do.
Andrew J. Maxwell.....	910.00	Do.
Maria Isabel de Baca y Ribera and José L. Ribera, administrators of Gabriel Ribera.....	780.00	Do.
James M. Waide.....	3,250.00	Do.
Lester Walker.....	375.00	Do.
Albert G. Evans, Robert D. Hunter, and Jesse Evans.....	9,000.00	Do.
William R. Colcord.....	300.00	Do.
Alexander Louis.....	75.00	Do.
John Palmer.....	2,325.00	Do.
William H. Roberts, executor of C. R. Roberts, deceased.....	640.00	Do.
William Carter.....	240.00	Do.
P. H. Green.....	1,900.00	Do.
Samuel M. Fisher.....	635.00	Do.
Joseph Robbins.....	1,043.00	Do.

List of Indian deprecation cases in which judgments have been rendered in the Court of Claims, up to July 1, 1892—Continued.

In whose favor rendered.	Amount of judgment.	Date of judgment.
Jesus Maria Gallegos.....	\$1,505.00	June 30, 1892
Antonio José Chavez.....	3,000.00	Do.
James R. Mead.....	235.00	Do.
José Manuel Sandoval.....	163.00	Do.
Nicholas T. de Cordoba and Louisa S. de Martines.....	2,648.50	Do.
Nicholas T. de Cordoba and Juan Abram Jiminez, administrator Ramon Romero.....	1,780.00	Do.
Nicholas Cordova and Filomeno Sais, administrators Juan Lorenzo Sais.....	1,025.00	Do.
Deluvina de Luna and Nicholas de Luna, administrators José Ignacio de Luna.....	3,996.00	Do.
Anastacio Cordova.....	275.00	Do.
Antonio Martinez.....	790.00	Do.
Miguel Esquibel.....	1,510.00	Do.
<b>Total</b> .....	<b>479,067.62</b>	

Senate Ex. Doc. No. 117, Fifty-second Congress, first session.

## LETTER

FROM

## THE SECRETARY OF THE INTERIOR,

RELATIVE TO

*The act providing for the adjudication of the claims arising from Indian depredations.*

JUNE 27, 1892.—Referred to the Select Committee on Indian Depredations and ordered to be printed.

DEPARTMENT OF THE INTERIOR,

Washington, June 24, 1892.

SIR: The condition of affairs that confronts this Department upon an endeavor to carry out the provisions of "An act to provide for the adjudication and payment of claims arising from Indian depredations, approved March 3, 1891" (26 Stats. 851), requires, in my judgment, early consideration by Congress.

In my annual report I called attention to the amount of these claims as reported by the Commissioner of Indian Affairs; they aggregate in number 7,985, and amount to \$25,589,006. The following table shows the amounts claimed from the several tribes:

Tribe.	No.	Amount.	Tribe.	No.	Amount.
Comanche.....	1,307	\$4,056,639	Cow Creek.....	25	\$30,151
Apache.....	986	4,186,490	Ponca.....	25	38,621
Creek.....	965	1,195,978	Pottawatomie.....	23	7,887
Cheyenne.....	658	2,394,382	Oregon.....	29	133,613
Sioux.....	670	2,900,415	Sac and Fox.....	20	270,145
Navajo.....	645	2,382,109	Yakama.....	20	85,783
Kiowa.....	334	1,447,592	Wichita.....	17	6,821
Chippewa.....	187	168,835	Crow.....	18	25,670
Pawnee.....	170	216,170	Puyallup.....	12	14,145
Osage.....	160	227,115	Onaha.....	11	4,067
Nez Percés.....	161	365,588	Modoc.....	11	34,259
Ute.....	157	525,233	Cayuse.....	13	43,009
Rogue River.....	137	434,796	Shoshone.....	11	57,997
Bannack.....	134	375,028	Caddo.....	12	37,240
California Indians.....	154	884,098	Walla Walla.....	9	67,253
Arapaho.....	70	297,308	Coquille.....	7	12,027
Nisqually.....	66	118,109	Skaquamish.....	7	3,676
Winnebago.....	58	73,251	Pima and Maricopa.....	6	9,752
Keechie.....	52	55,365	Flatheads.....	6	11,505
Klilatlat.....	50	138,678	Menomonee.....	6	6,580
Washington Indians.....	48	84,527	Hualapais.....	6	53,819
Blackfeet.....	41	217,701	Otoe.....	5	3,564
Kansas or Kaw.....	36	65,261	Eluha.....	3	398
Piutes.....	41	368,315	Iowa.....	3	252
Cherokee.....	30	85,520	Prairie Indians.....	3	13,325
Southern refugee Indians.....	30	6,150	Lipan.....	10	52,090
Kickapoo.....	53	302,351	Pend d'Oreille.....	3	1,740
Snake.....	39	153,818			
	7,434	23,726,322			
				321	1,029,389
				7,434	23,726,322
				7,755	24,755,711
Miscellaneous and unknown tribes.....				142	510,359
Committed by white persons, including United States soldiers, emigrants, and rebels.....				88	322,936
Total.....				7,985	25,589,006

INDIAN DEPREDAATION CLAIMS.

Years in which the depreddations were committed.

Year.	No.	Amount.	Year.	No.	Amount.	Year.	No.	Amount.
1812.....	1	\$7,548	1853.....	79	\$244,340	1873.....	144	\$405,303
1821.....	1	5,770	1854.....	87	326,298	1874.....	134	358,511
1832.....	2	235	1855.....	230	722,519	1875.....	63	197,501
1833.....	4	1,155	1856.....	231	692,478	1876.....	45	145,289
1834.....	5	2,381	1857.....	131	299,261	1877.....	194	419,575
1835.....	25	11,206	1858.....	158	317,568	1878.....	305	697,458
1836.....	975	1,150,386	1859.....	191	408,981	1879.....	80	166,598
1837.....	26	8,876	1860.....	211	776,556	1880.....	250	1,148,950
1838.....	8	1,332	1861.....	182	1,275,152	1881.....	118	349,146
1839.....	4	1,815	1862.....	363	1,249,918	1882.....	41	109,418
1843.....	3	264,240	1863.....	147	497,704	1883.....	13	103,261
1844.....	3	4,205	1864.....	300	1,793,204	1884.....	24	126,946
1845.....	2	13,320	1865.....	320	1,599,218	1885.....	88	118,267
1846.....	4	68,866	1866.....	403	2,157,606	1886.....	12	17,438
1847.....	55	228,000	1867.....	443	1,982,370	1887.....	12	14,171
1848.....	28	168,393	1868.....	536	1,499,298	1888.....	3	675
1849.....	32	222,054	1869.....	371	650,141	1889.....	9	8,786
1850.....	27	178,797	1870.....	265	613,157	1890.....	5	1,968
1851.....	68	244,723	1871.....	185	650,025			
1852.....	69	341,423	1872.....	270	696,248			
	1,342	2,917,725		5,103	18,342,042		1,540	4,329,239
							5,103	18,342,042
							1,342	2,917,725
<b>Total</b> .....							7,985	25,589,006

Trust funds of tribes other than the five civilized tribes.

Tribes.	Principal.	Tribes.	Principal.
Cheyennes and Arapahoes.....	\$1,000,000.00	Sac and Fox of the Missouri.....	\$21,659.12
Chippewa and Christian Indians..	42,560.36	Sac and Fox of Mississippi.....	55,058.21
Delawares.....	874,186.54	Sac and Fox of Oklahoma.....	300,000.00
Eastern Shawnees.....	9,079.12	Santee Sioux.....	20,000.00
Iowas.....	171,543.37	Senecas.....	40,979.60
Kansas.....	27,174.41	Senecas, Tonawanda band.....	86,950.00
Kaskaskias and Peorias, etc.....	52,000.00	Senecas and Shawnees.....	15,140.42
Kickapoos.....	115,727.01	Shawnees.....	1,985.65
L'Anse and Vieux de Sert Indians.	20,000.00	Shoshones and Bannacks.....	13,621.04
Menomonees.....	155,039.38	Sissetons and Wahpetons.....	1,699,800.00
Osages.....	8,295,079.69	Stockbridges.....	75,988.60
Omahas.....	182,324.08	Umatillas.....	55,270.44
Otoes and Missourias.....	601,085.88	Utah and White River Utes... ..	3,340.00
Pawnees.....	309,196.41	Utes.....	1,750,000.00
Poncas.....	70,000.00		
Pottawatomies.....	184,094.57	<b>Total</b> .....	16,246,883.90

The annual report of the Commissioner of Indian Affairs (1891, pp. 117, 118) lucidly presents the situation.

In section 6 of the act approved March 3, 1891, above referred to, appears the following:

“That the amount of any judgment so rendered against any tribe of Indians shall be charged against the tribe by which, or by members of which, the court shall find that the depreddation was committed, and shall be deducted and paid in the following manner: First, from annuities due said tribe from the United States; second, if no annuities are due or available, then from any other funds due said tribe from the United States arising from the sale of their lands or otherwise; third, if no such funds are due or available, then from any appropriation for the benefit of said tribe, other than appropriations for their current and necessary support, subsistence, and education, and fourth, if no such annuity, fund, or appropriation is due or available, then the amount of the judgment shall be paid from the Treasury of the United States: *Provided*, That any amount so paid from the Treasury of the United States shall remain a charge against such tribe, and shall be deducted from any annuity, fund, or appropriation hereinbefore designated which may hereafter become due from the United States to such tribe.”

Under the operation of the law contained in this section, it is apparent that a lien is constituted upon all funds which now are or may hereafter become due to any Indians on any account whatever, for the payment of these claims, except so much as may be necessary “for their current and necessary support, subsistence, and educa-

tion." By an examination of the tables herewith presented, showing the date of origin and the amount of the claims on file in this office, it will be seen that many of them originated at so remote a period that the present generation of Indians can not possibly have any knowledge of or personal responsibility for them. It thus occurs that a great hardship is liable to be imposed upon the present generation (which is making, comparatively speaking, satisfactory progress in civilization), by punishing children for crimes committed by their ancestors, and imposing upon them, in their advanced and advancing condition, a burden which was created by their fathers while yet in a state of savagery. If the law is permitted to remain as it is, it will work great hardship and will be a matter of very considerable discouragement to the present, if not to future generations. Many of the Indians belonging to the different tribes which are chargeable with depredations are poor and struggling to become self-supporting, and the collection of these amounts will unduly punish them for sins of which, personally, they are not guilty. It certainly would provoke, in many cases, a spirit of antagonism and restlessness that would be very hurtful, primarily to the Indians themselves, and might seriously impair the peaceable relations between them and the Government, in which event the unlimited expense of reducing them to a state of peace would be far greater than the payment of these claims outright from the United States Treasury.

When the different tribes which have entered into treaties and agreements with the United States bargained that the moneys to become due them by reason of such treaties or agreements should be held in trust by the Government and be paid to them in the manner and form set forth in such agreements or treaties, it was not contemplated by them that it would, at some subsequent period, enact a law, in the consideration of which they could have no part, which would practically confiscate these various moneys and divert their payment into an altogether different channel from that originally intended and agreed upon.

In view of this situation, I would respectfully recommend that the act be amended so as to leave it discretionary with the Secretary of the Interior to determine as to whether or not the financial condition of any tribe, against whom judgment may be obtained in the Court of Claims on account of depredations committed by members of that tribe, will justify the deduction from tribal moneys of the funds necessary for the payment of such judgments. At present it will be noticed there is no such discretion, except as to what funds may be necessary for the "current and necessary support, subsistence, and education" of such Indians.

The following table shows what disposition was made of these claims up to June 30, 1891:

	Number of claims.	Amount allowed.	Amount claimed.
Paid or otherwise adjudicated by the Secretary of the Interior prior to the act of May 29, 1872.....	220	\$216, 380. 83	\$438, 166. 71
Paid under authority of various acts of Congress prior to March 3, 1885.....	52	208, 140. 10	311, 651. 71
Paid under authority of acts of Congress since March 3, 1885.....	2	10, 050. 00	34, 450. 00
Acted upon by the Secretary of the Interior, pursuant to act of March 3, 1885, and reported to Congress January 1—			
1887.....	305	278, 323. 88	1, 066, 021. 97
1888.....	399	336, 728. 42	984, 433. 66
1889.....	229	377, 105. 41	1, 070, 003. 37
1890.....	164	213, 288. 69	707, 825. 65
1891.....	357	345, 180. 25	1, 028, 197. 22
Acted upon by the Secretary of the Interior during 1891, pursuant to the act of March 3, 1885, but not reported to Congress.....	5	15, 340. 00	28, 049. 75
Total.....	1, 733	2, 000, 517. 58	5, 668, 800. 04
Remaining on file in Indian Office June 30, 1891.....	6, 252	.....	19, 920, 205. 96

I fully concur in the views expressed by the Commissioner and believe that unless the law is amended as recommended we shall find ourselves involved in trouble, to settle which will cost the Government immensely.

These Indians, as a rule, are not far enough advanced in civilization to be able to be entirely self-supporting. These depredations were perpetrated by past generations of the tribes, and are now being adjudicated with but little, if any, actual knowledge on the part of the Indians of the proceedings. The funds to the credit of the different tribes are, on the other hand, well known to them and the annual interest or other

payments eagerly anticipated and depended upon. Each diminution by payment of any of these judgments will be known, and, for the reason that it is not fully understood, deemed unjust and made in bad faith.

To illustrate I will take the case of the Cheyenne and Arapahoe Indians. There are claims filed against these Indians amounting to \$2,691,690. If 50 per cent of these are put in judgment, and experience shows that nearer 60 per cent of the amount claimed is allowed, there would be \$1,345,845 for them to pay, to meet which they have but \$1,000,000, which, it was agreed with them, should be placed in the Treasury, the interest on which at 5 per cent should be paid them annually. This money is the proceeds of an agreement but recently made for the purchase of their title to lands in the Cherokee Strip, etc., and during the negotiations nothing was said or thought of as to this payment being applied to pay old depredation claims.

It yet remains to be seen whether this \$50,000 annual interest is sufficient for their support. If this principal is exhausted in paying the claims against them it needs little experience to teach that great discontent and perhaps violence will ensue not only from the unexpected loss but the actual need for support for which the money is intended.

All of the tribes against whom the largest amounts of claims appear, notably the Comanche, Apache, Sioux, Kiowa, and Navajoes, will be in the same condition if the claims against them are as rapidly liquidated from their trust funds, as now threatens to occur.

When the time comes that these Indians become self-supporting, the situation will be so changed that the moneys they have to their credit may then be taken for these payments.

It has been the policy of the Government heretofore to pay these claims when lawfully adjudicated, but to have them remain a charge against the Indians to be paid by them in the judicious administration of their affairs.

In view of the daily adjudications of the Court of Claims against the tribes, and the necessary application of the moneys of these tribes to the payment thereof, I deem it my official duty to express my anxiety lest this may soon lead to commotion and eventual outbreaks. In my judgment a discretion as to immediate payment of these judgments should be vested in some executive officer and I respectfully submit the inclosed amendment to the law aforesaid.

The fourth provision of section 6 of said act is as follows:

And fourth: If no such annuity, fund or appropriation is due or available, then the amount of the judgment shall be paid from the Treasury of the United States.

My suggestion is to amend such provision by inserting therein after the word "available" the following:

Or if in the opinion of the Secretary of the Interior the financial condition of any Indian tribe against whom judgment shall be rendered herein on account of depredations committed by members of that tribe is such as to imperatively demand for their support, education or civilization the full amount that would be due them for interest on any fund to their credit in the Treasury of the United States, or, when, in his judgment, it would be injudicious to use any of the moneys of the said Indians for the purpose of paying the judgments that may have heretofore or shall be herein rendered against them as aforesaid, in either case he shall certify the same to the Treasurer of the United States.

Yours, most respectfully,

JOHN W. NOBLE,  
*Secretary.*

THE PRESIDENT OF THE SENATE.

DEPARTMENT OF THE INTERIOR,  
Washington, July 1, 1892.

SIR: I have the honor to acknowledge the receipt of your communication of 16th ultimo, stating that the honorable Attorney-General has submitted to the Senate 132 claims for which judgment has been rendered on account of Indian depredations, amounting to \$206,236.33, and asking to be informed whether there is any objection to the said claims being paid by the Treasury Department.

In response thereto I transmit herewith copy of a communication from the Commissioner of Indian Affairs of the 29th ultimo, to whom the matter was referred, who recommends that an appropriation be made for the payment of these claims, less the amount already paid from funds of the Osages.

I have the honor to be, very respectfully,

JOHN W. NOBLE,  
Secretary.

Hon. G. L. SHOUP,  
Chairman Committee on Indian Depredations, U. S. Senate.

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,  
Washington, June 29, 1892.

SIR: I have the honor to be in receipt, by your reference of the 17th instant for report, of a communication from Hon. Geo. L. Shoup, chairman Committee on Indian Depredations, United States Senate, in which he refers to a report of the Attorney-General, in reply to a Senate resolution, submitting a list of 132 claims upon which judgment has been rendered by the Court of Claims, amounting to \$206,236.33.

The chairman states that said report of the Attorney-General has been referred to his committee, which committee will be expected to recommend the manner in which these claims shall be paid, and asks the opinion of the Department relative thereto, with the query if there is any objection to the said claims being paid by the Treasury Department?

In reply, the attention of the Department is respectfully invited to the provisions for the payment of judgments on these claims contained in the following sections of the act to provide for the adjudication and payment of claims arising from Indian depredations, approved March 3, 1891 (26 Stat., 853).

"SEC. 6. That the amount of any judgment so rendered against any tribe of Indians shall be charged against the tribe by which, or by members of which, the court shall find that the depredation was committed, and shall be deducted and paid in the following manner: First. From annuities due said tribe from the United States. Second. If no annuities are due or available, then from any other funds due said tribe from the United States, arising from the sale of their lands or otherwise. Third. If no such funds are due or available, then from any appropriation for the benefit of said tribe other than appropriations for their current and necessary support, subsistence, and education; and fourth, if no such annuity, fund, or appropriation is due or available, then the amount of the judgment shall be paid from the Treasury of the United States: *Provided*, That any amount so paid from the Treasury of the United States shall remain a charge against such tribe, and shall be deducted from any annuity, fund, or appropriation hereinbefore designated which may hereafter become due from the United States to such tribe."

\* \* \* \* \*

"SEC. 8. That immediately after the beginning of each session of Congress the Attorney-General of the United States shall transmit to the Congress of the United States a list of all final judgments rendered in pursuance of this act in favor of claimants and against the United States, and not paid, as herinbefore provided, which shall therefore be appropriated for in the proper appropriation bill."

As a general proposition there are no Indian tribes except the Osages having on the books of this office more funds in the shape of annuities, interest on funds held in the Treasury at interest, or otherwise, than are required for expenditures necessary for their education, support, and civilization.

If annuities or interest funds are used to pay the judgments on these claims as they may be rendered, the means for the support of many of the tribes will be largely reduced or entirely absorbed. If the principal or interest-bearing fund is used for this purpose, it will produce the same result and greatly embarrass the administration of the Indian office.

If, for instance, judgments against any one tribe shall during the early part of the fiscal year be rendered in amounts large enough to seriously deplete or to absorb the funds available for support of said tribe, how will the Department be able to care for the Indians, especially if Congress shall not be in session when this happens?

In view of the above statements and the foregoing provisions of the law for adjudication of these depredation claims, I respectfully recommend that an appropriation of the sum of \$206,236.33 be made, less the sum of \$815 already paid to three claimants from funds belonging to the Osage Indians, out of any moneys in the Treasury not otherwise appropriated, to be paid in accordance with section 464, Revised Statutes, with the proviso that the amount so appropriated shall be reimbursed to the United States by the respective tribes or bands of Indians out of any funds now available, or which may hereafter become available, at such times and in such proportions as the Secretary of the Interior may find that the interests of the service may warrant.

The letter of the chairman is respectfully returned herewith.

Very respectfully, your obedient servant,

T. J. MORGAN,  
*Commissioner.*

The SECRETARY OF THE INTERIOR.

○