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Report from the Secretary of War, in compliance with a resolution of the Senate of the 11th instant, in relation to the necessity of additional clerks in the Office of Indian Affairs

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REPORT

FROM

THE SECRETARY OF WAR,

IN COMPLIANCE

With a resolution of the Senate of the 11th instant, in relation to the necessity of additional clerks in the Office of Indian Affairs.

JANUARY 15, 1838.

Referred to the Committee on Indian Affairs, and ordered to be printed.

WAR DEPARTMENT,
January 12, 1838.

SIR: In answer to the resolution of the Senate, of yesterday, respecting the necessity of additional clerks in the Office of Indian Affairs, I beg leave to transmit a communication from the Commissioner of Indian Affairs. I will only add, that I am convinced the public service requires the addition of the number of clerks mentioned by the Commissioner, and that the nature of the duties demands the services of persons of good talents and business habits. To procure such, salaries of the highest grades must be provided.

Very respectfully,

Your most obedient servant,

J. R. POINSETT.

HON. RICHARD M. JOHNSON,

Vice President U. S., and President of the Senate.

WAR DEPARTMENT,
Office Indian Affairs, January 12, 1838.

SIR: In obedience to your direction, I have the honor to submit a report upon the resolution of the Senate of the 11th instant.

In the enclosed statement are embraced some of the reasons for an augmentation of the number of clerks in this office. It might be greatly extended without giving an adequate and just idea of the magnitude and diversity of the business confided by law to its management. Its duties and responsibilities will be multiplied, when the changes in progress and contemplated are accomplished. In a short time, the whole body of the Indians, with the exception of some tribes in the north and northwest, will be settled south of the Missouri river, in a country solemnly guaranteed to them, with the pledge of constant guardianship and protection. It is

my firm belief that, when this is done, their improvement and civilization may be effected with proper exertions. I do not disguise from myself the difficulties of the task, but there are none that cannot be surmounted by diligence and zeal in carrying into effect the beneficial stipulations in treaties, and in enforcing the salutary provisions in the laws. To do this, however, the active co-operation of the agents and officers charged with the immediate care of the several tribes is essential, and they should be intelligent, industrious, and faithful. The best mode of securing this co-operation, and of making and keeping them true to their trusts, is to have a strict eye on all their proceedings, and to hold them to a strict accountability in all things. In so extensive a department, this constant supervision cannot be maintained, unless a sufficient number of executive officers be employed here, of ability and industry, and who feel a personal interest in the correct performance of the public business. It is my settled conviction, that the branch of it confided to this office, requires the addition of four clerks possessing these qualifications. No doubt, it may be *got along with*, but it cannot be done as it should be without them. To secure their services, liberal salaries, and of the higher grades, should be appropriated. An examination of the accompanying statement will show the absolute necessity of this. The nature of the business there described will satisfy every one. I think that the best qualifications are requisite for its performance. Fully convinced of the correctness and importance of these views, I respectfully submit draughts of two sections of a bill, by either of which the objects contemplated may be accomplished. The first would impart most efficiency to the organization of the office. I indulge the hope that you will be induced, by the considerations presented, to give the sanction of your approval to this proposition.

Very respectfully,

Your most obedient servant,

C. A. HARRIS,
Commissioner.

HON. JOEL R. POINSETT,
Secretary of War.

REASONS FOR INCREASING THE NUMBER OF CLERKS IN THE OFFICE OF
INDIAN AFFAIRS.

1. *The augmentation of business caused by the treaties recently concluded.*

These are,

- 1st. With the Cherokees, of December 29, 1835.
- 2d. With the Ottowas and Chippewas, of March 28, 1836.
- 3d. With the Menomonees, of September 3, 1836.
- 4th. With the Sacs and Foxes, of September 28, 1836.

These, with eighteen others, have been ratified, and are in process of execution. The stipulations for removal and subsistence, for the examination and payment of claims for improvements abandoned, for depredations for goods sold to the Indians, are very extensive, and involve the necessity of constant application. The instructions to the commissioners or agents, the examination of their reports, and the final action, require great accu-

racy and detail. In the instance of the treaty with the Pottawatamies, of February 11, 1837, the report of the commissioner appointed to investigate their debts, embraced only 146 cases, a comparatively small number; but the original papers, affidavits, and statements, &c., accompanying it, are exceedingly voluminous, and the inspection of them, prerequisite to safe action, will furnish occupation for one person, for months.

Besides the treaties above referred to, there are others, now before the Senate, with,

1st. The Sioux of Mississippi.

2d. The Chippewas of Lake Superior.

3d. The Sacs and Foxes of Mississippi.

4th. The Winnebagoes,

and others, with smaller tribes. These four, if ratified, would alone employ almost the entire force of the office, for a long time, in preparing the first measures for carrying them into effect.

2. *By direction of the President, given in March last, all papers and books in the General Land Office, connected with Indian reserves, have been recently transferred to this.*

An entirely new arrangement of the files has, in consequence, become necessary; a new business, the examination of Indian conveyances of land, of which there are frequently many of the same tract, each supported by a mass of testimony, has been thrown here. In this connexion, reference may be made to the resolution of July 1st, 1836, requiring an investigation of frauds in the sale of reserves under the Creek treaty of 1832, the results of which have not yet been reported by the commissioners; to the act of March 3, 1837, authorizing and sanctioning the sales of reserves under the same treaty, by administrators and others, to carry which into effect a special agent must be appointed, as soon as these commissioners have reported; to the act of the same date, providing for the adjustment of claims to reserves under the Choctaw treaty, of 1830; and to the examination, now in progress, of contracts for reserves under that treaty made, east and west of the Mississippi. There are now two clerks on this branch of the business. It is obvious that they cannot perform it satisfactorily, in any reasonable time.

3. *The increase in the correspondence, occasioned by the increase of the business of the removal and subsistence of Indians, and by many other causes.*

The number of letters written monthly, is about 200; of letters received, about 300. This statement, however, gives a very inadequate idea of the amount of labor. The subjects of correspondence render necessary minute research into the past action of the office through many years, and great accuracy, especially in respect to the negotiation and execution of treaties, the framing of contracts, and the disbursement of money. Then the duties of commissioners and agents are often so closely connected, that numerous copies of the correspondence become absolutely necessary. In illustration, it may be observed, that one letter to the commissioners, appointed to investigate frauds in Creek contracts, fills ten pages in the record book, (medium post,) and the list of the documents copied to accom-

pany it fills four pages. A similar list of those sent to the commissioners to adjust claims to reserves under the Choctaw treaty of 1830, fills more than two pages. Some further idea of the copying required in the current business, (to say nothing of that required by calls of Congress, committees, and on extraordinary occasions,) may be gathered from the fact, that three persons are now constantly occupied in keeping the record books alone, and one in miscellaneous copying. And it requires the whole time of another to keep the register of letters received.

4. *The new arrangements in the fiscal branch of the business. It has been found indispensable to open a set of books for various objects.*

1st. An appropriation book, in which there will be opened 500 heads of account, exhibiting all the objects for which money is appropriated and expended, and the balance under each at any moment.

2d. An account book, showing the condition of each disbursing agent's accounts.

3d. A property book, exhibiting all property purchased, and the disposition made of it.

4th. A record of all claims of individuals, and the action upon them.

5th. An account book, showing all investments for Indians.

These amount to \$1,800,000, in bonds of nine different States. Accounts are opened with 500 Indians, individually interested in the investments with the several tribes, and with the banks at which the interest is paid. These books are nearly all new, and they are necessary to the prompt and correct despatch of business; most of them contain information nowhere else embodied. Besides the keeping of these books, there is the examination of the accounts of the numerous disbursing agents, a large proportion of which are extensive, and under many different heads, and accompanied by a large mass of vouchers. Before these can be transmitted to the Auditor, they must be carefully inspected, the requisite explanations given in writing, with reference to the law, or copies of the instructions authorizing the expenditures.

5. *Arrearages of business.*

There are school lands to be located and sold, the proceeds invested and applied, in conformity with several old treaties; claims for improvements relinquished; for property lost; of emigrants who removed themselves; for all which there are stipulations in old treaties that have not yet been fulfilled. Very recently, one gentleman in the office was occupied more than eight days in the investigation of a single class of claims, arising under the treaty with the Cherokees of 1828. An index to claims is indispensable to correct action upon them, and to prevent second or third payments of any of them. It has happened that the same account has been presented against different tribes, and allowed in different treaties. They have often been laid before the department for successive years, by different members of Congress, and the reference to the correspondence with one is a very imperfect clue to the entire action upon them. The answers to the inquiries of individuals, and of committees, and to resolutions of Congress; cannot consequently be made with the proper confidence in their correctness. The preparation of this index would require the time of a man of peculiar

talent, for two years. A general index is also wanted to the files and correspondence. When these are made, the calls for information could be promptly answered, and with certainty.

6. *The necessity of a new system in the application of annuities and other funds, for the support of schools, and the civilization of Indians.*

It is believed that good has resulted from what has been hitherto done, but that much more may be accomplished. The office is now engaged in acquiring information respecting the system of manual labor schools, with a view to their establishment in the Indian country. The combining of agricultural and mechanical instruction with tuition in the elementary branches, seems to be peculiarly adapted to the red race. To digest a system, superintend its execution, improve it as circumstances may require, conduct the necessary correspondence with teachers, agents, and societies, and control the expenditure of the funds appropriated, will afford occupation for one intelligent man. Of a kindred character with this business, is that of applying properly the moneys provided for orphans, in the treaties with the Choctaws, Creeks, and other tribes. The income of the Chickasaws, amounting to \$100,000, which is to be applied, from time to time, at the discretion of the department, for their benefit, is a fund of analagous character, and its disbursement will require constant vigilance.

7. *The increase in the number of persons employed, in various capacities, in the Indian Department; the number, at present, is 300, all of whom must be kept to a strict observance of laws and regulations.*

Since this paper was commenced, the documentary evidence, in the case of a single contract, for lands under the Creek treaty, has been laid upon my table, which should be acted upon at once, as the approval of the contract is essential to the final execution of that treaty. Yet there is no one who can make the necessary examinations, and as the evidence fills a carpet bag, two feet long and eight inches square, it is obvious that if there were, it would take his whole time for a month at least.

Since this statement was copied, a call has been made on the department by a resolution of the House of Representatives, referred to this office, which illustrates most convincingly the necessity of a general index to the records and correspondence. The resolution referred to directs the Secretary of War to furnish "all the information on file in the War Department, relating to the Indian boundary, referred to in the act of Congress authorizing the people of Missouri to form a State Government; and, particularly, information in relation to that portion which describes the northern boundary of said State." Before it will be possible to say what information the department possesses, the correspondence with the superintendent of Indian affairs at St. Louis, and with several Indian agents, and probably others, must be examined as far back as the date of the act referred to, a period of twenty years; a work that cannot be performed by one clerk in less than two weeks. A general index to the records and correspondence, referring to names and to the subject matter, would have enabled me to ascertain all they contained, relative to the subjects of inquiry, in a single day.

No. 1.

SECTION — *Be it enacted by the Senate and House of Representatives in Congress assembled, That, in place of the clerks now allowed by law for the Office of Indian Affairs, the Secretary of War be, and he is hereby, authorized to employ the following: a chief clerk, whose compensation shall not exceed two thousand dollars per annum; three clerks, whose compensation shall not exceed sixteen hundred dollars each; three clerks, whose compensation shall not exceed fifteen hundred dollars each; three clerks, whose compensation shall not exceed fourteen hundred dollars each; four clerks, whose compensation shall not exceed twelve hundred dollars each; and two clerks, whose compensation shall not exceed one thousand dollars each.*

NOTE.—The present appropriation for clerks is	-	-	\$15,200
The proposed appropriation is	-	-	22,300
Increase	-	-	<u>\$7,100</u>

No. 2.

SECTION — *Be it enacted by the Senate and House of Representatives in Congress assembled, That, in addition to the clerks now allowed by law for the Office of Indian Affairs, the Secretary of War be, and he is hereby, authorized to employ the following: a chief clerk, whose compensation shall not exceed two thousand dollars per annum; and three clerks, whose compensation shall not exceed fifteen hundred dollars each.*