

University of Oklahoma College of Law

University of Oklahoma College of Law Digital Commons

American Indian and Alaskan Native Documents in the Congressional Serial Set: 1817-1899

5-16-1856

Estimates – Indian Service. Message from the President of the United States, transmitting estimates of appropriations for the Indian Service.

Follow this and additional works at: <https://digitalcommons.law.ou.edu/indianserialset>



Part of the [Indigenous, Indian, and Aboriginal Law Commons](#)

Recommended Citation

H. R. Exec. Doc. No. 104, 34th Cong. 1st Sess. (1856)

This House Executive Document is brought to you for free and open access by University of Oklahoma College of Law Digital Commons. It has been accepted for inclusion in American Indian and Alaskan Native Documents in the Congressional Serial Set: 1817-1899 by an authorized administrator of University of Oklahoma College of Law Digital Commons. For more information, please contact Law-LibraryDigitalCommons@ou.edu.

ESTIMATES—INDIAN SERVICE.

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES,

TRANSMITTING

Estimates of appropriations for the Indian service.

MAY 16, 1856.—Referred to the Committee of Ways and Means and ordered to be printed.

EXECUTIVE OFFICE, *Washington, May 16, 1856.*

To the Senate and House of Representatives :

I communicate to Congress a report from the Secretary of the Interior, containing estimates of appropriations required in the fulfillment of treaty stipulations with certain Indian tribes, and recommend that the appropriations asked for be made in the manner therein suggested.

FRANKLIN PIERCE.

DEPARTMENT OF THE INTERIOR,
City of Washington, May 16, 1856.

SIR: I have the honor to lay before you, herewith, a communication from the Commissioner of Indian Affairs, transmitting certain estimates of appropriations required for the Indian service, some of which are for the fulfillment of treaties recently negotiated, and others, which it was impracticable to submit at the commencement of the session, for want of the requisite information from the distant territories.

Under the treaty recently entered into with the Chickasaws and Choctaws, the sum of two hundred thousand dollars is to be paid to the Chickasaws, in such manner as their general council shall direct, and that sum is embraced in these estimates. Certain facts have been disclosed to the department, however, relative to liabilities represented to have been incurred by the Chickasaw delegation in effecting the treaty, which demand special attention. In order, therefore, to a proper understanding of the whole matter, I have caused the estimates to be accompanied by a copy of the correspondence of the department

on the subject, and would recommend that Congress, in making the appropriation, enact that the money shall not be paid over to the authorities of the tribe until the whole subject, and the action of the department thereon, shall have been fully submitted to the Indians in general council assembled, so that the direction of the council, contemplated by the treaty, shall be given advisedly.

No similar liabilities are known to have been incurred by the Choctaws, but it might, nevertheless, be well to attach a similar provision to the appropriation for the amount to be paid to them.

I am, sir, respectfully, your obedient servant,

R. McCLELLAND, *Secretary.*

To the PRESIDENT.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs, May 13, 1856.

SIR: I transmit herewith certain estimates for appropriations which, in addition to those transmitted to you on the 23d of October, 1855, will be necessary for the Indian service for the year ending 30th of June, 1857.

It is to be observed, that a large amount of the money now asked for is to fulfill the stipulations of treaties entered into recently. The amounts required for the service in the distant territories, which, for reasons stated in my letter of the 23d October last, I was then unable to estimate for, are also included.

Your attention is called to the correspondence with the Choctaw delegation, with reference to the time at which the United States should commence the payment of interest provided by the treaty of June 22, 1855, upon certain trust funds therein referred to.

I have estimated for the payment of the interest from the date of the ratification of the treaty, while they claim that it should run from the date of the execution of the instrument.

In view of the facts disclosed in the correspondence with the Chickasaw delegates, in relation to the payment of money to parties whose names they are unwilling to disclose, it is my opinion that in making the appropriations necessary to fulfill the stipulations of the treaty of June 22, 1855, between the Choctaw and Chickasaw Indians and the United States, Congress should provide that no part of the money appropriated should be paid by the authority of the department, or the council of either tribe, for any services, such as those indicated by such correspondence.

Very respectfully, your obedient servant,

G. W. MANYPENNY, *Commissioner.*

Hon. R. McCLELLAND, *Secretary of the Interior.*

CITY OF WASHINGTON, D. C., *May 13, 1856.*

SIR: There is a point connected with the late treaty with the Choctaws and Chickasaws to which, if only out of abundant caution, we desire respectfully to call your attention.

By the 21st article, the treaty, when ratified, was to take effect and be obligatory on the contracting parties from the date thereof. It having been ratified, all its executory provisions and stipulations, therefore, relate back to and must be made to take effect from its date, so far as the nature of those provisions and stipulations will admit of its being done.

Under the 8th and 10th articles of the treaty, the Choctaws became entitled to the sum of \$750,000, their right thereto, by the 21st article, vested and took effect from the date of the treaty, though no part of the money was to be paid till after the ratification of that instrument; the prescribing of the time of payment was a mere incident, or at most only a condition in regard to the disposition of the money, and in no respect enters into the determination of the time when the right of the Choctaws to it commenced. A subsequent article of the treaty, the 13th, comes in, however, and modifies and changes the 8th and 10th articles, so far as regards the payment of a portion of this money; by it the sum of \$500,000 is not to be paid over to the Choctaws at all, but is to be retained and held in trust by the government, at an annual interest of not less than five per cent. Here, then, is the creation of a trust in regard to that portion of the money, in lieu of the obligation to pay it over to the Choctaws at a particular time. According to the 8th and 10th articles, that obligation is blotted out, and another substituted in place of it, that of holding the money and paying an annual interest on it. The \$500,000 is not only not payable to the Choctaws, but it has not even to be appropriated by Congress; it remains intact in the Treasury of the United States.

The trust thus created is an executive provision of the treaty, and as it can take effect from the date of the treaty, the 21st article thereof requires that it shall be made to commence and take effect at and from that time; this being the case, we respectfully submit that the Choctaws are entitled to the interest payable on the \$500,000, from the 22d of June, 1855, the date of the treaty.

Should it have been the intention of the department to adopt this view of the subject, and this communication, therefore, be an unnecessary proceeding on our part, we hope that our zeal for the interests of our people whom we represent will be a sufficient excuse for troubling you with it.

With high respect, your most obedient servants,

P. P. PITCHLYNN,
ISRAEL FOLSOM,

Choctaw delegates.

Hon. G. W. MANYPENNY,

Commissioner of Indian Affairs, Washington, D. C.

DEPARTMENT OF THE INTERIOR,
Office Indian Affairs, May 13, 1856.

GENTLEMEN: I have to acknowledge the receipt of your letter of this date, expressing your opinion in regard to the time from which interest commences to run upon the \$500,000, which, it is stipulated in the 13th article of the treaty of June 22, 1855, with the Chickasaws and Choctaws, shall be held in trust by the United States.

The 10th article of the treaty is indeed modified by the 13th article, but both should be construed together, so as, if possible, to give to each its full effect and meaning. So also in construing the 10th, 13th, and 21st articles together, full effect should be given to all.

The view which I take of the case is this: The 21st article declares that the "convention" "shall take effect and be obligatory on the contracting parties from the date."

The date of the treaty is fixed as the date of the obligation of the parties, but when a time subsequent thereto is determined by other terms of the treaty, or by the fair meaning and intendment of them respecting acts thereafter to be done, and which can only be done after that time, the time of the fulfillment is controlled, and is not carried back to the date of the negotiations.

In this case the future tense is persistently used throughout the entire instrument in regard to payments and the settlement of conflicting claims, and article 10 provides a time when the consideration to be paid by the United States to the Choctaws shall be discharged. That time is "as soon as practicable after the ratification of this convention."

Article 13 uses the future tense as to sundry payments therein mentioned, but provides that "the funds now held in trust by the United States" "shall continue to be so held; together with the sum of \$500,000, payable to them under articles 8 and 10 of this agreement." It will thus be observed that the same article which provides for the payment provides a time for it; and that time is subsequent to the ratification of the convention.

The 13th article recognizes, within its own terms, the full effect to be given to the 10th, and I cannot regard the United States as liable to pay the "interest" on a fund which she holds in trust, before she is in receipt of the principal of the fund itself.

The principal would not be payable to the Choctaws till after the ratification of the instrument, and my opinion is that the interest does not commence to run before the time at which the principal is made payable.

Any other view of the case does not, I think, give due force and effect to the 10th article of the convention.

Very respectfully, your obedient servant,
GEO. W. MANYPENNY, *Commissioner*.

P. P. PITCHLYNN and
ISRAEL FOLSOM, Esq's,
Choctaw delegates, present.

DEPARTMENT OF THE INTERIOR,
Office Indian Affairs, April 4, 1856.

SIR: Referring to previous communications from this office, in reference to the application of the Chickasaw delegates to draw a portion of the national fund of their tribe, which is held in trust by the Secretary of the Treasury, I have now the honor to transmit for your information and such action in the premises as may be deemed proper by you, a copy of a communication from the Chickasaw delegation now in this city, Messrs. Edmund Pickens, James Gamble, and Sampson Folsom, on the subject, together with copies of two acts of the Chickasaw general council, approved the 14th and 15th December, 1855, and the original of another act of the 21st of December, 1853, to which the one of the 15th December, 1855, refers.

Very respectfully, your obedient servant,

GEO. W. MANYPENNY,
Commissioner.

Hon. R. McCLELLAND,
Secretary of the Interior.

WASHINGTON CITY, *April 1, 1856.*

SIR: Inasmuch as the treaty of June 22, 1855, between the United States and Choctaw and Chickasaw tribes of Indians, has been ratified by the Senate without amendment, the principal duty remaining to be performed by the undersigned, as delegates of the Chickasaw tribe, is to discharge without delay sundry liabilities necessarily incurred by the Chickasaws in order to bring about the long desired separation between them and the Choctaws, and the consequent permanent settlement of their tribe, as contemplated by the treaties of 1834 and 1852, and now happily consummated by the treaty of 1855. To this end we have the honor to lay before you an authenticated copy of an act of the general council of the Chickasaws, passed December 15, 1855, and referring, in connexion therewith, to another act passed the 14th, same month, and heretofore filed in your office, for our authority in the premises, we respectfully request that there be paid, out of the Chickasaw national fund, held in trust by the United States, the sum of (\$300,000) three hundred thousand dollars, one half thereof to the Choctaws, as provided in the 8th article of the treaty of 22d June, 1855, and the other half to the undersigned.

In disposing of stocks to realize the sum required, we trust the government will use such as command the highest premium, as otherwise the fund will be unnecessarily diminished.

As the (\$200,000) two hundred thousand dollars stipulated to be paid the Chickasaws, in the 10th article of the treaty of 1855, have not been appropriated by Congress, and may not be for several months, we deem it premature to take any action at present upon the subject of that fund.

In conclusion, we have also to request that there be paid to the un-

dersigned the amounts to which they are individually entitled, as delegates, for salary, travelling expenses, &c.

Your prompt attention to these matters will confer a favor for which the undersigned will be duly grateful.

We have the honor to be, very respectfully, your most obedient servants,

EDMUND PICKENS, his x mark.
 JAMES GAMBLE,
 SAMPSON FOLSOM,
Delegates.

Hon. GEO. W. MANYPENNY,
Commissioner Indian Affairs, Washington city, D. C.

Whereas, on the 22d day of June, 1855, a treaty was concluded at the city of Washington by and between George W. Manypenny, Commissioner on the part of the United States, and Peter P. Pitchlynn, Samuel Garland, Israel Folsom, and Dickson W. Lewis, commissioners on the part of the Choctaws, and Edmund Pickens and Sampson Folsom, commissioners on the part of the Chickasaw tribe of Indians:

And whereas, in the eighth article of said treaty it is stipulated that the sum of one hundred and fifty thousand dollars shall be paid to the Choctaws, in such manner as their national council shall direct, out of the national funds of the Chickasaws, held in trust by the United States, immediately upon the ratification of said treaty, in consideration of certain rights and privileges granted to the Chickasaws:

And whereas, the latter clause of the fifth article of the treaty made at Washington city on the 22d day of June, 1852, between Kenton Harper, commissioner on the part of the United States, and Edmund Pickens, B. S. Love, and Sampson Folsom, commissioners on the part of the Chickasaws, it was provided that so much of said fund as the Chickasaws may require for the purpose of enabling them to effect a permanent settlement of their tribe, as contemplated by the treaty of 1834, shall be subject to the control of their general council:

And whereas, it is the desire of the Chickasaws to organize and establish a government in pursuance of the several provisions of said treaty, as soon as it is duly ratified by the Senate and President of the United States: Therefore,

Be it enacted by the Chickasaws in general council assembled, That the sum of one hundred and fifty thousand dollars be, and the same is hereby, appropriated out of the national funds of the Chickasaws held in trust by the United States, and placed subject to the control of the President of the United States, for the purpose of carrying into effect the stipulations contained in the eighth article of the convention of 22d June, 1855, so soon as they shall receive the sanction of the President and Senate of the United States.

And be further enacted, That the sum of five thousand dollars be, and the same is hereby, appropriated out of the national funds of the

Chickasaws accruing under the tenth article of the treaty of 1855, held in trust by the United States, for the purpose of enabling them to ordain and establish a constitution and laws for their government, as contemplated by the fourth article of the convention of the 22d of June, A. D. 1855, and to support and carry the same into successful operation.

And be it further enacted, That Sampson Folsom, Edmund Pickens, and James Gamble, be, and they are hereby, constituted and appointed delegates for the Chickasaw tribe of Indians to represent such tribe near the government of the United States at Washington city, with full power to agree to and concur in any amendments or supplemental articles that may be proposed by the Senate of the United States to the convention concluded at Washington city on the 22d day of June, 1855, which, in their judgment, may be proper and advantageous to the Chickasaw people; and in conformity with the powers vested in the general council of the Chickasaws, the said delegates or a majority of them are hereby authorized and empowered to make a requisition upon the treasury of the United States for the sum of money appropriated by the second clause of this act, and to receive and receipt for the same in the name and by the authority of the general council of the Chickasaws, holding themselves accountable to the Chickasaw council for its faithful application to the purposes specified.

Be it further enacted, That the aforesaid delegates be, and they are hereby, authorized and empowered to invest the two hundred thousand dollars, or so much thereof as they may deem proper, of the lease money, to be paid by the government of the United States, upon the ratification of said treaty of 22d June, 1855, in accordance with the stipulation contained in the tenth article of said convention.

Be it further enacted, That in consideration of the foregoing services of the delegates aforesaid they shall each be entitled to receive as salary the sum of eight hundred dollars, and two hundred dollars for travelling expenses, and fifteen dollars per week for boarding during their stay at Washington city, to be paid out of the Chickasaw national funds as heretofore in similar cases.

Approved.

J. McCOY, *President.*

Attest:

CYRUS HARRIS, *Secretary.*

Approved by

D. COLBERT, *Financial Chief.*

DECEMBER 14, 1855.

I hereby certify that the foregoing is a correct copy of the original act passed by the Chickasaw council, December 14, 1855.

DOUGLAS H. COOPER,

United States Indian Agent.

TISHOMINGO, C. N., *January 13, 1856.*

DEPARTMENT OF THE INTERIOR,
Office Indian Affairs, April 4, 1856.

I, George W. Manypenny, Commissioner of Indian Affairs, do hereby certify that the foregoing, purporting to be a copy of an act of the Chickasaw council, approved the 14th day of December, 1855, with the certificate of Agent Douglas H. Cooper attached, is a true copy of the one on file in this office.

GEORGE W. MANYPENNY.

Whereas, the Chickasaws, in general council assembled, on the 21st day of December, 1853, did set apart the sum of three hundred thousand dollars to carry into effect certain objects then in contemplation by the Chickasaws relative to the political connexion between the Choctaws and Chickasaws; and whereas a convention and agreement have been made between the United States, the Choctaws, and the Chickasaws, under date of the 22d day of June, A. D. 1855, and the Senate and President of the United States ratifying the same, the said political convention between the Choctaws and Chickasaws shall thereby dissolve to all intents and purposes. Now, therefore,

Be it enacted by the Chickasaws in general council assembled, That the sum of three hundred thousand dollars set apart to effect a political separation between the Choctaws and Chickasaws, as by an act of the Chickasaw council at Post Oak Grove, Chickasaw district, Choctaw nation, on the 21st day of December, A. D. 1853, be, and the same is hereby, appropriated to satisfy and clear up certain contracts which the council have authorized, the same to be made in good faith.

And be it further enacted, That the delegation appointed by the present session of the council to visit Washington city be, and they are hereby, fully authorized to make a requisition for the amount on the Chickasaw fund to the proper authorities of the government of the United States, and render such necessary receipts as may be required of them, in order to carry into effect the object herein expressed.

And be it further enacted, That the delegation referred to in this act be also, and they are hereby, authorized to invest the whole, or so much thereof of the lease money as contemplated in an act passed the council on the 13th day of December, 1855, of the present session, after deducting the five thousand dollars to be sent out for the purpose expressed in the second clause of said act: *And be it further enacted,* That this act is to be construed and understood to mean that no money is to be drawn out of the Chickasaw funds, unless the treaty of 22d day of June, 1855, between the United States, the Choctaws and Chickasaws, is duly ratified by the Senate and President of the United States.

And be it further enacted, That in case of death, resignation, or inability of any of the aforesaid delegates, the financial chief of the Chickasaws shall have full power to fill all vacancies, who, when ap-

pointed, shall be vested with the same power and authority as those appointed in the original act creating a delegation.

And be it further enacted, That the one hundred and fifty thousand dollars to be paid the Choctaws, under the 8th article of the convention of June 22, 1855, is included in the three hundred thousand dollars appropriated under the first section of this act; said appropriation is specified in an act creating a delegation to visit Washington city, bearing date December 14, 1855.

JAMES McCOY, *President.*

Attest:

C. HARRIS, *Secretary.*

Approved December 15, 1855.

D. COLBERT, *Financial Chief.*

TISHOMINGO, C. N., *January 13, 1856.*

I hereby certify that the foregoing is a correct copy from the original act as passed by the Chickasaw council. Approved December 15, A. D. 1855.

DOUGLAS H. COOPER,
United States Indian Agent.

DEPARTMENT OF THE INTERIOR,
Office Indian Affairs, April 4, 1856.

I, George W. Manypenny, Commissioner of Indian Affairs, do hereby certify that the foregoing, purporting to be a copy of an act of the Chickasaw council, approved the 15th day of December, 1855, with the certificate of Agent Douglas H. Cooper attached, is a true copy of the one on file in this office.

GEORGE W. MANYPENNY.

Whereas, by the 5th article of the treaty between the Chickasaws and the government, concluded at Washington city on the 22d June, 1852, it is provided that so much of the national fund of the Chickasaws as they may require for the purpose of enabling them to effect a permanent settlement of their tribe, as contemplated by the treaty of 1834, shall be subject to the control of their general council; and whereas, Sampson Folsom, Benjamin S. Love, Edmund Pickens, James T. Gaines, Jackson Frazier, and Winchester Colbert, have been duly appointed commissioners on the part of the Chickasaws to conclude a treaty with the Choctaws for effecting the settlement aforesaid; and whereas, it is necessary that the sum of three hundred thousand dollars, for the purpose aforesaid, shall be placed at the disposal and under the control of said commissioners; therefore,

Be it enacted by the Chickasaws in general council assembled, That the government of the United States, or the proper department at Washington, be requested to transmit as soon as practicable the aforesaid sum of three hundred thousand dollars to the agent of the United States for the Chickasaws, at his agency, to be by him held subject to the order or drafts of the aforesaid commissioners, and they are hereby authorized to make the necessary requisition for the same. Should the said commissioners fail in negotiating said treaty, the said three hundred thousand dollars to be returned to the government to be re-invested until called for.

Passed the council.

J. KEMP, *President.*

Attest:

HOLMES COLBERT, *Secretary.*

Approved December 21, 1853.

J. FRAZIER, *Financial Chief pro tem.*

I certify that the above is the original act passed by the Chickasaw council, and that the above signers were officers of said council at that time.

A. J. SMITH, *Chickasaw Agent.*

DEPARTMENT OF THE INTERIOR,
Office Indian Affairs, April 21, 1856.

GENTLEMEN: A copy of your letter of the 1st, addressed to this office, in reference to your application to draw a portion of the national fund of your tribe, was, on the 4th instant, sent to the Secretary of the Interior, and by him referred, with my letter accompanying it, to the Secretary of the Treasury, and all the papers relating to this subject returned to me, with a communication from the Secretary of the Interior, dated the 17th instant, requesting that I submit my opinion in the matter, and that you be called upon for information as to the disposition you intend to make of the money for which application has been made.

I have to suggest that you inform me of the specific purposes you desire to apply the \$150,000 asked for, in addition to the like sum stipulated to be paid to the Choctaws by the treaty of 1855.

Very respectfully, your obedient servant,

GEO. W. MANYPENNY, *Commissioner.*

Messrs. EDMUND PICKINS,
JAMES GAMBLE, and
SAMPSON FOLSOM,

Chickasaw delegates, present.

WASHINGTON CITY, *April 21, 1856.*

SIR: We have the honor to acknowledge the receipt of your letter of this date, requesting us, by direction of the Secretary of the Interior, to inform you of the "specific purposes" to which we desire to apply the \$150,000 asked for by us, in addition to the like sum stipulated to be paid the Choctaws by the treaty of 1855.

The act of the Chickasaw council authorizing us to call for this money and our letter of the 1st instant making the requisition, clearly indicate the general purpose for which it is required, and we therefore conclude that the object of your request is to ascertain the individuals to whom the money is to be paid. We are very sorry that the honorable Secretary has thought proper to direct such a request to be made, for it places us in the painful dilemma of either refusing what he asks or of violating confidence in a manner disgraceful to us and treacherous towards a number of our oldest and best friends. We cannot doubt that the honorable Secretary will, on reflection, commend us for preserving our faith and being true to those who have been true to us.

It has long been known by those familiar with the subject, that the Chickasaws could not possibly regain their independence without the liberal use of secret service money, and hence a provision was inserted in the treaty of 1852 giving them the control of so much of their national fund as they might require for that purpose.

We assert, what we are able to prove, that the proviso to the 5th article of the treaty was put there for that very purpose and no other.

With a knowledge of this fact, the Chickasaws have steadily persevered in their endeavors to achieve their independence, and by the promise to the Choctaw nation, and to individuals, of a large amount, they have at length succeeded in accomplishing the object for which they have struggled so long.

But we can safely aver that the treaty of June last would never have been made, and the Chickasaws would not have secured their independence, unless the liabilities we now desire to pay had been incurred.

We therefore submit that it ill becomes the government of the United States, being a party to the treaty and enjoying its benefits, to withhold from the Chickasaws the money necessary to discharge said liabilities—thus forcing our people, contrary to their rights and feelings, to violate promises they have faithfully made, and; as honest men, are anxious to fulfill. In the exercise of what they consider their unquestionable right, they "require" the money for the "purpose" stated. It is for the government to decide whether they shall have it.

We are, sir, very respectfully, your most obedient servants,
EDMUND PICKENS, his x mark,
JAMES GAMBLE,
SAMPSON FOLSOM,
Chickasaw Delegates.

Hon. GEORGE W. MANYPENNY,
Commissioner of Indian Affairs, Washington.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs, April 23, 1856.

SIR: I have the honor to return, herewith, the papers in the matter of the application of the Chickasaw delegation to draw the sum of \$300,000 of their national fund, which were referred by you to this office on the 17th, accompanied by a letter from the Secretary of the Treasury of the 11th instant.

In obedience to your request, I called upon the delegation for information touching the disposition they intended to make of the money for which they applied, and I herewith transmit a copy of my letter to them, dated the 21st instant, and also of their reply of the same date.

In relation to the liabilities which the Chickasaw delegation say they have incurred, and which they wish to discharge, I have only to say that I am ignorant entirely; and as the Commissioner on the part of the United States who negotiated the treaty of June last with the Choctaw and Chickasaw delegates, I deem it but just to myself to declare that in the course of the negotiations no occasion, in my opinion, arose for the use of any money, either for secret service or otherwise; and I need hardly add that I should have regarded it as wholly inadmissible to entertain a proposition to pay any man for his influence in bringing about the treaty.

I have not felt at liberty to press the question upon the delegates, especially as they consider that they would "violate confidence in a manner disgraceful to us (them) and treacherous towards a number of our (their) oldest and best friends," to comply with my request; but in view of the statements made in their letter of the 21st instant, I am of the opinion that the Secretary of the Treasury ought not to comply with the requisition heretofore made by the delegates for this money.

Very respectfully, your obedient servant,

GEO. W. MANYPENNY,
Commissioner.

Hon. R. McCLELLAND,
Secretary of the Interior.

DEPARTMENT OF THE INTERIOR,
Washington, April 28, 1856.

SIR: The Secretary of the Treasury, to whom, as the officer of the government in whose name the trust funds of the Chickasaw nation of Indians are held, was referred, on the 9th instant, the application of the Chickasaw delegates to have three hundred thousand dollars worth of their stocks converted into money and paid over to them and the Choctaw nation, in equal moiety, having postponed considering that application until I should request the sale of the stocks in question, I have carefully and fully examined the whole subject, in connexion with your report of the 23d instant, and not feeling justified in preferring that request, I deem it proper to communicate my views to you rather than to the Secretary of the Treasury, in order that they may, through you, be made known to the parties interested.

To the request of the Chickasaw delegation, that the sum of \$150,000 be paid over to the Choctaws, no objection exists, it being expressly provided for in the 8th article of their treaty of 22d June last, and the Secretary of the Treasury will at once be requested to realize that sum from the sale of such of their stocks as command the highest premium, to be paid to the Choctaws in the manner prescribed in the treaty.

The Chickasaw delegation also request that the further sum of \$150,000 may be realized from the same source, and paid over to them, in order to enable them "to discharge, without delay, sundry liabilities, necessarily incurred by the Chickasaws, in order to bring about the long-desired separation between them and the Choctaws, and the consequent permanent settlement of their tribe, as contemplated by the treaties of 1834 and 1852;" and rely upon the proviso to the 5th article of the treaty of 22d June, 1852, for their right to demand, and the duty of the United States to accord, a compliance with that request.

Deeming it a solemn duty on the part of the United States, which may not be avoided, to see that the Chickasaw people suffer no wrong or imposition from any quarter, I directed inquiry to be made of their delegates as to what disposition was designed to be made of the money thus asked for, with a view to satisfy myself whether the liabilities alluded to were "necessarily incurred" in order "to effect the permanent settlement of their tribe." This information they decline to furnish, except in vague and unsatisfactory terms.

The treaty of 1834, looking to the procurement of a home for the Chickasaws, provided for the sale of a portion of their stocks for its purchase, but not without the consent of the President and Senate. The treaty of 1852, it is true, provided that so much of their national fund as they might require for the purpose of effecting their permanent settlement should be subject to the control of their general councils; but, as the treaty of 22d June, 1855, fully accomplished the object of the treaties of 1834 and 1852 in this respect, and only provides for the payment of the Chickasaws of \$150,000, as the consideration therefor, the question very naturally suggested itself to the Secretary of the Treasury, looking to the language of the treaties alone, whether any further portion of the national fund of the Chickasaws could be lawfully placed at the disposal of their general council for the purpose of effecting their permanent settlement.

I am inclined to think that the treaty of 1855 does not amount to an abrogation of the proviso in the 5th article of the treaty of 1852, nor as necessarily implying the full execution of the power thereby conferred upon the council to draw upon their national fund for the object specified; but I am clearly of the opinion that it was only intended by the said proviso to place under the control of the Chickasaw council not such sum as they might *demand*, but only so much as they might *actually and necessarily need* in effecting the permanent settlement therein contemplated; and furthermore, that in view of the guards thrown around their national fund by previous treaties, it was not and could not have been the design of the negotiators of that treaty to deprive the Chickasaw nation of the guardian protection of the gov-

ernment in this respect, and to place the whole of their tribal funds at the disposal of their national council. While, therefore, I think the trust funds of the Chickasaws are, under the treaty of 1852, still liable beyond the \$150,000 specified in the 8th article of the treaty of June, 1855, for any legitimate and necessary expenses or obligations actually incurred in effecting the permanent settlement of the tribe, I cannot, without disregarding the duties devolved upon me, further the request of the delegates until I shall be furnished with the information necessary to enable me to satisfy myself of the legitimacy, necessity, and several amounts of those obligations, and to whom due.

I understand the Chickasaw delegates, anticipating this decision, have desired to be furnished with a copy of the correspondence on the subject, in order that they may report their proceedings to their people. To this there is, of course, no objection, and you will please comply with their reasonable wishes in this respect.

I am, sir, very respectfully, your obedient servant,

R. McCLELLAND, *Secretary.*

Hon. GEORGE W. MANYPENNY,
Commissioner of Indian Affairs.

P. S. I send you all the papers in this case, that they may be kept together for convenience of further reference.

—
Estimate, 1847.

OFFICE SUPERINTENDENT INDIAN AFFAIRS, UTAH TERRITORY,
Great Salt Lake City, July 30, 1855.

SIR: Having been usually required to forward estimates for each fiscal year to the Register of the Treasury, I embrace the present opportunity to place at your disposal the estimate for the fiscal year ending June 30, 1857:

Superintendent's salary -	-	-	-	-	\$1,000 00
Clerk hire -	-	-	-	-	750 00
Three interpreters, each \$500 -	-	-	-	-	1,500 00
Contingencies, such as necessary expenses, going to and from among the Indians, as messengers, &c. -	-	-	-	-	18,000 00
Presents to Indians -	-	-	-	-	25,000 00
Salary of Indian agent -	-	-	-	-	1,500 00
Salary of Indian sub-agent -	-	-	-	-	750 00
Expenses contingent of agency and sub-agency -	-	-	-	-	2,000 00
					50,500 00

BRIGHAM YOUNG,
*Governor and ex-officio Superintendent of Indian Affairs,
Utah Territory.*

Hon. FINLEY BIGGER,
Register of the Treasury, or

GEORGE W. MANYPENNY,
Commissioner of Indian Affairs, Washington city, D. C.

Estimate of funds necessary to be appropriated by Congress for the Indian service in the Territory of New Mexico, for the fiscal year ending June 30, 1857.

If the treaties made with the Indians of New Mexico, during the present year, be ratified, then the following appropriations will be required, viz :

<i>Mescalero Apaches.</i> —For first of 27 instalments, per 5th article of treaty of June 14, 1855	-	-	-	\$6,000
<i>Mimbres Apaches.</i> —For first of 27 instalments, per 5th article of treaty of June 7, 1855	-	-	-	6,000
<i>Jicarello Apaches.</i> —For first of 27 instalments, per 6th article of treaty of September 12, 1855	-	-	-	3,000
<i>Navajoes.</i> —For first of 21 instalments, per 5th article of treaty of July 18, 1855	-	-	-	10,000
<i>Capote Utahs.</i> —For first of 27 instalments, per 6th article of treaty of August 8, 1855	-	-	-	5,000
<i>Mohuache Utahs.</i> —For first of 27 instalments, per 6th article of treaty of September 11, 1855	-	-	-	5,000
For general incidental expenses of the Indian service in the Territory of New Mexico	-	-	-	25,000
For salaries of five Indian agents	-	-	-	7,750
For salaries of six interpreters	-	-	-	3,000
Total	-	-	-	<u>70,750</u>

Should the treaties herein referred to be ratified, then the appropriation for general incidental expenses may be reduced to \$12,500.

D. MERIWETHER,

Governor and Superintendent of Indian Affairs in New Mexico.

OFFICE OF SUPERINTENDENT OF INDIAN AFFAIRS,
San Francisco, California, November 1, 1855.

SIR: I have the honor to submit an estimate of the current and contingent expenses of the Indian department within this superintendency, for the fiscal year commencing July 1, 1856, viz :

Salary of superintendent	-	-	-	\$4,000
Salary of clerk	-	-	-	2,500
Pay of office rent	-	-	-	2,000
Pay of stationery, fuel, lights, &c., for San Francisco office	-	-	-	650
Pay of messenger	-	-	-	1,200
Pay of 5 physicians, one for each reservation	-	-	-	7,500
Pay of 5 sub-agents, for each reservation	-	-	-	7,500
Pay of 50 men—laborers	-	-	-	60,000
Pay of 5 blacksmiths, one for each reservation, at \$125 each, per month, is	-	-	-	7,500

Pay of carpenters, one for each reservation, at \$125 each, per month, is	-	-	-	-	\$7,500
Pay of travelling expenses of superintendent and attendants	-	-	-	-	7,000
Pay of 3 Indian agents	-	-	-	-	9,000
Pay of provisions for employés	-	-	-	-	17,000
Pay of clothing, blankets, &c., for Indians	-	-	-	-	60,000
Pay of removal and subsistence of Indians	-	-	-	-	31,650
					225,000
					225,000

It will be remembered that, in submitting former estimates, I have expressed the opinion that the plan of colonization, as adopted in this State, could be made to some extent a self-sustaining system; of the correctness of this opinion the results of the past year afford ample and conclusive proofs.

In submitting estimates therefore for the year commencing July 1, 1856, I have been governed by this principle, and have estimated only for the necessary expense of conducting the reservation—the appropriations already made being sufficient to put them in complete operation.

Of breadstuffs and vegetables of all kinds enough will hereafter be produced on the reserves for the subsistence of all the Indians. At the commencement of the next year it is believed the expenses of the same in this State may still further be reduced.

The purchases of cattle, which have been and will be made out of the appropriations of the last year and the present, will probably be sufficient, with proper economy in their use, to furnish a sufficient supply of beef for the next two years; and should the system now in practice be successful of furnishing beef only to such Indians as perform labor on the farm, of the practicability of which I have no doubt, the expense of supporting Indians in California could not be considered extravagant or burdensome to the government.

In making the appropriation for the service in this State, I would suggest that it be placed under as few heads as possible, for the purpose of simplifying the mode of keeping the accounts.

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

THOMAS J. HENLEY,
Superintendent of Indian Affairs.

Hon. G. W. MANYPENNY,
Commissioner of Indian Affairs,
Washington City, D. C.

TREASURY DEPARTMENT,
Second Auditor's Office, October 16, 1855.

SIR: As requested by your letter of the 21st August last, I transmit herewith a statement showing the quantity of *stock* and *farming implements delivered* to the Great and Little Osages, in fulfilment of the 4th

stipulation of the 2d article of the treaty of 11th January, 1839, with that tribe of Indians.

With a view to entire accuracy, I have renewed the examination of this subject from the beginning, and after a very careful inspection of the files in connexion with this clause of the treaty, find the result to correspond with the particulars indicated by the enclosed statement.

From this it appears that there is remaining due to these Indians, as provided for by the said treaty stipulation, 446 cows and calves, 1,200 breeding hogs, 700 ploughs, 800 sets of horse gear, 600 axes, and 400 hoes.

The accounts of all the superintendents, agents, and sub-agents into whose hands any funds for this object would probably come, for transfer or disbursement, have been minutely examined, and no payment is discovered to have been made further than those designated by this statement.

On the 25th September, 1850, the sum of \$3,500 for this object was turned over by Superintendent Mitchell to Henry Harvey, sub-agent; and on the 14th August, 1851, the sum of \$660 was transferred by Harvey to Sub-Agent Morrow, who disbursed \$200 of it for the transportation of 100 ploughs to Kansas for the Osages. The said \$660 was charged to Morrow under the head of "fulfilling treaties with the Osages;" the residue has not been accounted for by Mr. Harvey.

Very respectfully, your obedient servant,

P. CLAYTON, *Second Auditor.*

G. W. MANYPENNY, Esq.,
Commissioner of Indian Affairs.

Statement showing the quantity of stock and farming implements delivered to the Great and Little Osages, in fulfillment of the 4th section of the 2d article of the treaty with the said Indians of January 11, 1839, in reply to a letter of the Commissioner of Indian Affairs, dated August 21, 1855.

Stipulated for by the treaty, viz.			Cows and calves, 1,000.	Breeding hogs, 2,000.	Ploughs, 1,000.	Sets horse gear, 1,000.	Axes, 1,000.	Hoes, 1,000.
By whom delivered.	When delivered.	Where delivered.	Cows and calves.	Breeding hogs.	Ploughs.	Sets horse gear.	Axes.	Hoes.
Congreve Jackson, sub-agent....	May 15, 1840	Osage sub-agency.	200	400	.....	.....	.....	.....
Robert A. Calaway, sub-agent ..	April 25, 1842	Trading house....	.....	.....	200	200	200	200
Robert A. Calaway, sub-agent ..	Aug. 4, 1842	Osage Nation	200	400	.....	.....	.....	.....
Wm. J. J. Morrow, sub-agent...	Aug. 11, 1851	Not named.....	154	.....	.....	.....	.....	.....
Wm. J. J. Morrow, sub-agent...	Feb. 21, 1852	Osage Nation ....	.....	.....	100	.....	200	400
Quantity of stock and farming implements .....	.....	.....	554	800	300	200	400	600
Quantity of stock and farming implements apparently remain- ing due .....	.....	.....	446	1,200	700	800	600	400

TREASURY DEPARTMENT, *Second Auditor's Office*, October 12, 1855.

Additional estimate of funds required for the service of the Indian Department during the fiscal year commencing July 1, 1856, and ending June 30, 1857.

Laws.	Vol.	Page.	Sect.	Objects and names of tribes.	Acts making provision.	Amount.	Total.
<i>Choctaws.</i>							
Treaty, pamphlet copy.....		5 & 6	.....	Balance of \$600,000, for relinquishment and lease of lands after deducting \$500,000, trust fund.	Articles 8, 10, and 13, treaty June 22, 1855.	\$100,000 00	
Do.....		5 & 6	.....	Interest on \$500,000, trust fund, from March 4, 1856, to June 30, 1856, at 5 per cent., for education, and for other beneficial purposes, under the direction of the general council.	Articles 8, 10, and 13, treaty June 22, 1855.	*8,082 19	
Do.....			Interest on \$500,000, trust fund, from June 30, 1856, to June 30, 1857, at 5 per cent., for education, and other beneficial purposes, under the direction of the general council of the Choctaw Nation.	Articles 8, 10, and 13, treaty June 22, 1855.	25,000 00	
Do.....		8	.....	Expenses of commissioners who signed the treaty of June 22, 1855, in coming to, returning from, and while remaining in Washington city.	Article 22, treaty June 22, 1855.	3,961 50	\$137,043 69
<i>Chickasaws.</i>							
Do.....		5	.....	\$200,000, in consideration of relinquishment and lease of lands.	Article 10, treaty June 22, 1855.	†200,000 00	
Do.....		8	.....	Expenses of commissioners who signed the treaty of June 22, 1855, in coming to, returning from, and while remaining in Washington city.	Article 22, treaty June 22, 1855.	892 00	200,892 00
<i>Blackfeet Nation.</i>							
Treaty, manuscript copy.....			First of 10 instalments, as annuity, to be expended in such goods, provisions, and other useful articles as the President, at his discretion, from time to time may determine.	Article 9, treaty October 17, 1855.	20,000 00	

* See correspondence of Choctaw delegates with the Office Indian Affairs, dated May 13, 1856; copies herewith.

† See correspondence with Chickasaw delegates; copies herewith.

STATEMENT—Continued.

Laws.	Vol.	Page.	Sect.	Objects and names of tribes.	Acts making provision.	Amount.	Total.
Treaty, manuscript copy:				First of 10 instalments, as annuity, to be expended in establishing and instructing them in agricultural and mechanical pursuits and in educating their children, promoting civilization and Christianity, at discretion of President. Expenses of transportation, delivery, &c., of annuity goods for the year. <i>Chippewas of Saganaw, Swan Creek, and Black River.</i>	Article 10, treaty October 17, 1855.	\$15,000 00	\$52,000 00
					17,000 00	
Do.....			1	First of 5 equal annual instalments for educational purposes, under the direction of the President.	Article 2, treaty August 2, 1855.	*4,000 00	\$52,240 00
Do.....			2	First of 5 equal annual instalments for agricultural implements and carpenters' tools, household furniture, and building materials, cattle, &c.	Article 2, treaty August 2, 1855.	*5,000 00	
Do.....			3	First of 10 equal annual instalments, in coin, to be distributed per capita in the usual manner of paying annuities.	Article 2, treaty August 2, 1855.	*10,000 00	
Do.....			4	First instalment for the support of one blacksmith shop for 10 years.	Article 2, treaty August 2, 1855.	*1,240 00	
Do.....				For building grist and saw mill, purchase of necessary fixtures and machinery, construction of dam, race, and other appurtenances. For purchasing a saw mill, &c., &c., to be erected and located in pursuance of the amendment of the Senate to article 2d of the treaty of August 2, 1855.	Article 2, treaty August 2, 1855. Senate amendment to article 2, treaty August 2, 1845.	*8,000 00 *4,000 00	
				For payment of the present just indebtedness of said Indians, &c., in accordance with the 2d amendment of the Senate to the 2d article of the treaty of August 2, 1855. <i>Ottawas and Chippewas of Michigan.</i>	Senate amendment to article 2, treaty August 2, 1855.	*20,000 00	
Do.....				For payment of the present just indebtedness of	Senate's amendment to	†40,000 00	

			said Indians, &c., in accordance with Senate's amendment to article 1st of the treaty of July 31, 1855.	art. 1, treaty July 31, 1855.		
Do.....	1	First of 10 equal annual instalments for educational purposes, to be expended under the direction of the President, according to the wishes of the Indians, so far as may be reasonable and just.	Art. 2, treaty July 31, 1855.	†8,000 00		
Do.....	2	First of five equal annual instalments in agricultural implements and carpenters' tools, household furniture and building materials, cattle, labor, &c., &c.	Art. 2, treaty July 31, 1855.	†15,000 00		
Do.....	3	First of 10 instalments for the support of four blacksmith shops.	Art. 2, treaty July 31, 1855.	†4,240 00		
Do.....	4	First of 10 instalments on \$100,000, to be distributed per capita in the usual manner of paying annuities.	Art. 2, treaty July 31, 1855.	†10,000 00		
Do.....	4	Interest on \$296,000, for one year at 5 per cent. per annum, to be distributed per capita in the usual manner of paying annuities.	Art. 2, treaty July 31, 1855.	†14,800 00		
Do.....	5	First of 10 annual instalments on \$35,000, to be paid to the Grand River Ottawas, per capita, in lieu of former treaty stipulations.	Art. 2, treaty July 31, 1855.	†3,500 00		95,540 00
		<i>Stockbridges and Munsees.</i>				
Do.....		For the amount to be expended for improvements, &c., as provided in the 4th article of the treaty of February 5, 1856.	Art 2, treaty February 5, 1856.	41,100 00		
Do.....		To enable them to remove to their reservation; provided that the amounts now in the treasury,	Art. 2, treaty February 5, 1856.	\$2,575 00		

* See general estimate for 1856-'57, and article 3 of treaty of August 2, 1855. The appropriations now in the Indian bill for the Chippewas of Saganaw, may be stricken out, if these now recommended be inserted.

† See general estimate for 1856-'57, 2d and 3d articles of the treaty July 31, 1855. The appropriations now in the Indian bill for these Indians may be stricken out if these now recommended be inserted.

‡ The \$4,300, now embraced in the Indian bill for "fulfilling treaties with the Ottawas" has been divided heretofore between those in Michigan and those that have emigrated; \$1,700 being paid in Michigan and \$2,600 paid west. In case the appropriation of \$3,500, now estimated for, is made, the \$1,700 will not be due or needed, and the aggregate of \$4,300 in the Indian bill may be reduced to \$2,600.

§ By the act of March 3, 1849, an appropriation was made to defray the expenses of the removal of the Stockbridges, as provided in the 8th article of the treaty of November 24, 1848, of which \$10,975 is now in the treasury unexpended. By the act of July 31, 1854, an additional sum of \$7,000 was appropriated, which also is yet unexpended. These sums, with \$2,575 now estimated for, make \$20,550, mentioned in the 2d article of the treaty of 1855, to be applied for removal purposes.

STATEMENT—Continued.

Laws.	Vol.	Page.	Sec.	Objects and names of tribes.	Act making provision	Amount.	Total.
Treaty, manuscript copy— Continued.	heretofore appropriated by acts of Congress of March 3, 1849, and July 31, 1854, for the removal of the Stockbridges, may be applied to carrying into effect the 2d and 5th articles of the treaty of February 5, 1856.			
				For payment for improvements on the lands ceded, as provided by the 15th article of the treaty of February 5, 1856.	Art. 15, treaty February 5, 1856.	\$5,000 00	
				For purchase of stock and necessaries, and other objects, as provided by Senate's amendment to 2d article of treaty of February 5, 1856.	Senate's amendment, article 2, treaty February 5, 1856.	18,000 00	
				For the expenses of surveying the reservation, and allotting lands to Indians, as provided in the 3d article of the treaty of February 5, 1856; provided that the sum of \$2,000, remaining in the treasury, appropriated by the act of March 3, 1849, as the first instalment to "sachems and chiefs," per Senate's amendment to the treaty of November, 1848, now relinquished by the 1st article of the treaty of February 5, 1856, may be applied for the expenses of such survey and allotment.	Art. 3, treaty February 5, 1856.	*1,700 00	
				For the expenses which, in the opinion of the Secretary of the Interior, it may be necessary to incur, to enable him to carry out the 13th article of the treaty of February 5, 1856.	Art. 13, treaty February 5, 1856.	0 00	\$69,125 00

* There remains of the appropriation in the treasury for "carrying into effect," &c., per act of March 3, 1849, the sum of \$2,000, which was applicable for the payment of first of ten instalments on \$20,000, per Senate's amendment to the treaty of 1848, which is now relinquished by the 1st article of the treaty of 1856.

† In case these appropriations are made, that of \$825, now in the Indian bill, for payment of interest on \$16,500, now relinquished, (1st article of the treaty of February 5, 1856,) may be stricken from said bill.

STATEMENT—Continued.

No. 1.	For the general incidental expenses of the Indian service in the Territory of Utah, and presents to the Indians in said Territory.—(See note A.).....	\$45,000
No. 2.	For the general incidental expenses of the Indian service in the Territory of New Mexico.—(See note B.).....	12,500 00
No. 3.	For the general incidental expenses of the Indian service in California, embracing expenses of travel of the superintendent and agents, and necessary subsistence of employees.—(See note C.)..	27,850 00
No. 4.	For the pay of physicians, smiths, carpenters and laborers on the reservations in California.—(See note C.).....	82,500 00
No. 5.	For defraying the expenses of the removal and subsistence of Indians of California to the reservations in that State.—(See note C.)..	91,650 00
No. 6.	For the general incidental expenses of the Indian service in the Territory of Washington.....	30,000 00
No. 7.	For the expenses of adjusting difficulties and preventing outbreaks in the Territory of Washington.....	10,000 00
No. 8.	For the general incidental expenses of the Indian service in the Territory of Oregon, transportation, &c.....	30,000 00
No. 9.	For adjusting difficulties and preventing outbreaks among the Indians in the Territory of Oregon.....	10,000 00
No. 10.	To enable the Secretary of the Interior to settle and pay the awards of commissioners on file for reservations, pre-emptions, and for rents and improvements, under the 12th, 13th, and 16th articles of the Cherokee treaty of 29th December, 1835, &c—(See note E.).....	5,724 36
No. 11.	For purchase of stock and agricultural implements for the Great and Little Osages, to carry into effect the 4th section of the 2d article of the treaty of January 11, 1839.—(See note F.).....	15,000 00
No. 12.	For liquidated balance found due the Creek Indians for losses sustained during the last war with Great Britain by that portion of the tribe that was friendly to, and co-operated with, the United States, to be paid to those individuals now living, and the legal representatives of those deceased, who are entitled to receive the same, the amount to be refunded to the United States, when returned to the treasury by P. H. Raiford, esq., late Creek agent, or his sureties.—(See note G.).....	1,884 00
No. 13.	For the re-appropriation of this amount; for the expenses of revising, preparing, and printing a new code of regulations for the Indian Department, in connexion with all laws and portions of laws in force in relation to Indian affairs, duties and responsibilities of superintendents and agents, disbursing and accounting for public money, &c, &c..... <i>Provided</i> , That the Secretary of the Interior, out of said sum, may allow a reasonable compensation to any clerks or officers he may designate to prepare the compilation, for actual services rendered in that duty, at such times as will not interfere with the proper discharge of the regular duties of their respective stations.—(See note H.)	\$2,000 00
No. 14.	For payment to the children of John Connolly, being interest on two hundred dollars, per 5th article of the treaty of September 28, 1836, with the Sacs and Foxes of the Mississippi, from January 1, 1838, at six per centum per annum until paid, the principal thereof having been paid under the appropriation per act July 31, 1854.—(See note I.).....	225 00
No. 17.	For the expenses of surveying the boundaries of Indian reservations and of surveying, allotting, and defining Indian reserves and half-breed lands, and for other incidental expenses of carrying out the recent treaties with the Indian tribes in Michigan, and with the Chippewa Indians of the Mississippi and of Lake Superior, so far as any of the said treaties provide for the survey or allotment of lands or set apart reservations for the tribes or bands.—(See note L.).....	5,000 00
No. 16.	To enable the Secretary of the Interior to redeem the pledges of Governor D. Meriwether, in the articles recently negotiated by him, under instructions given him in pursuance of the act of Congress making appropriations to defray the expenses of said negotiations made to the tribes and bands respectively, with whom	

STATEMENT—Continued.

peaceable relations have been definitely agreed on and now exist, in making to said Indians presents of goods, agricultural implements, and other useful articles, and in assisting them to locate in permanent abodes, and sustain themselves by the pursuits of civilized life.....	35,000 00
Provided that the President may assign to said Indians, or any of them, any unclaimed and unoccupied tract or tracts of land within the Territory of New Mexico, which, in his judgment, may be adopted for their permanent location and support, and on which they may be willing to concentrate; and any tract or tracts, so assigned, shall be and remain for the residence and abode of any such tribe or tribes, or band or bands, and shall not be subject to sale or entry, so long as Congress does not otherwise provide by special enactment.—(See note M.)	
Total.....	1,011,174 05

NOTES.

A.—Reference is had to the estimate of Governor Young, of June 30, 1855, copy herewith; remarking that funds needed for pay of salaries have been included in the general estimates from this office.

B.—The amount estimated for is asked for in a communication addressed to the Commissioner of Indian Affairs by the governor of New Mexico, in September last, copy appended. Should no appropriation be made on item "16" of this estimate, double this sum, viz: \$25,000, will be required for this object.

C.—These several amounts are estimated to follow the appropriations of last year, the amounts being made up from the detailed estimate of superintendent Henley, (copy herewith,) dated November 1, 1855.

D.—Nos. 5, 6, 7, and 8. In the absence of estimates from the officers in charge of the Indian service in the Territories of Oregon and Washington, these items are submitted as probably necessary for the ordinary demands of the service during the year.

E.—By operation of the 10th (8th) section of the Indian appropriation act of July 31, 1854, the sum of \$31,329 99 was appropriated, and by the 24th section of the act of March 3, 1855, (civil and diplomatic,) direction was given respecting the payment of the money. Valuations, with interest, have accordingly been allowed, so that there now remains but \$95 83 in the treasury. Other valuations equally entitled to payment, amounting to \$3,440, cannot be paid for want of an appropriation. To settle them, with the interest, as the others have been settled, will require, in addition to the balance of \$93 83, the appropriation of the amount estimated.

F.—A letter from the Second Auditor of the Treasury to this office, dated October 16, 1855, (copy herewith,) advises that there are due the Osages, under the 4th section of the 2d article of the treaty of 1839, 446 cows and calves, 1,200 breeding hogs, 700 ploughs, 800 sets of horse gear, 600 axes, and 840 hoes.

The Indians have repeatedly complained of the non-payment of these articles, and, to enable the department to proceed with the delivery of them as far as would be for the benefit of the Indians, the present estimate is submitted.

G.—By the act of August 30, 1852, (vol. 10, pages 44 and 45,) \$110,417 90 was appropriated for this object, and the entire amount remitted to P. H. Raiford, esq., then Creek agent, for payment. All the fund was disbursed by him except \$1,884. This amount remained in his hands on the adjustment of his accounts for the third quarter of 1853, and he has not as yet returned the money to the treasury.

The claimants have since that time been constantly applying for the payment of the money.

H.—The sum of \$3,000 was recommended to, and appropriated by Congress in 1850, act 30th September.—(Statutes, vol. 9, page 558.) The printed pamphlet of laws, regulations, &c., pertaining to Indian affairs, now in use, embraces only those prior to September, 1847. Since that time many important enactments and regulations have been adopted, essentially modifying and changing those then in force; and in view of the fact that Indian agents are not furnished with copies of the Statutes from year to year, or otherwise, it is very important that they have for reference, in convenient form, such enactments of Congress, and regulations founded thereon, as pertain to their specific duties, and the general policy of the government in relation to Indian affairs.

The need of a revision and new digest of the regulations in force, and of a printed pamphlet containing them, with all the laws relative to Indian affairs, accountability of officers, &c., has been felt for several years, but under the appropriation by act September 30, 1850, the Secretary could not accord a compensation to such officers and clerks as, being familiar

with existing laws and regulations relative to Indian affairs and the forms and routine of business, might have prepared the compilation required at times not interfering with their regular official duties. Since I have been connected with this office there has never been a period when the time or services of any of the officers or clerks under my direction, who would execute the duty well, could be spared from their regular duties; and the regulations of the department inhibit extraordinary requirements, as the law has prohibited extra compensation.

I.—Under the 5th article of the treaty referred to, (*Statutes, vol. 7, page 522,*) the principal, \$200, was to have been put at interest for the benefit of said children. The \$200 having been first appropriated by the act of March 3, 1837.—(*Statutes, vol. 5, page 162.*) The amount was remitted from the treasury July 1837, and passed into the hands of Joseph M. Street, United States agent, but the money was never invested or applied as required by the treaty, or refunded to the treasury. By the act of July 31, 1854, (*Statutes, vol. 10, page 327,*) the \$200 was re-appropriated and has been paid.

By private act of February 3, 1853, an appropriation was made to pay to Margaret Farrar (*Statutes, vol. 10, page 750*) the amount of interest that was due and unpaid to her on \$1,000, secured to her as the child of Ni-an-na, by Amos Farrar, under the 4th article of the same treaty, and on an account stated under said private act, \$342 50 was found due and paid to her.

Upon the same principle that interest was paid by the United States to Margaret Farrar, it appears to be due to the children of John Connoly.

L.—Reference is had to the treaties of 1855 with the Ottawas and Chippewas, and with the Chippewas of Saganaw, and of Swan creek and Black river; also to the treaty of September 30, 1854, with the Chippewas of Lake Superior, and the treaty of February 22, 1855, with the Chippewa Indians of the Mississippi, and the Pillager, and Lake Winnebago-shish bands of Chippewas.

M.—Reference is had to the copy of an estimate forwarded by Governor Meriwether in September last, hereto appended.

It will be observed that in case this appropriation is not made, that asked for above, (item No. 2,) for the incidental expenses of the service in New Mexico, should be increased to \$25,000.