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Indian claims. Letter from the Secretary of the Interior, asking for an appropriation to complete the payment of certain Indian claims.

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INDIAN CLAIMS.

L E T T E R

FROM THE

SECRETARY OF THE INTERIOR,

ASKING

For an appropriation to complete the payment of certain Indian claims.

FEBRUARY 7, 1865.—Referred to the Committee of Ways and Means and ordered to be printed.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., February 6, 1865.

SIR: I have the honor to submit herewith a copy of a report of the 31st ultimo from the Commissioner of Indian Affairs, and accompanying papers, in relation to the balance due to claimants—under the 3d article of the treaty of September 10, 1853, with the Rogue River Indians—for property destroyed by said Indians, and for improvements made by land claimants on the Indian reserve; and recommend the subject to the favorable consideration of Congress, with a view to an appropriation of the sum necessary to complete the payment of said claims, viz.: twenty-eight thousand nine hundred and fifty-five dollars and fifty-seven cents (\$28,955 57.)

Very respectfully, your obedient servant,

J. P. USHER, *Secretary.*

HON. SCHUYLER COLFAX
Speaker of the House of Representatives.

DEPARTMENT OF THE INTERIOR,
Office Indian Affairs, January 31, 1865.

SIR: I have the honor to refer herewith the letter of Hon. J. W. Nesmith, of the 20th instant, asking for information as to the amount unpaid to claimants, under the treaty with the Rogue river Indians, and as to the propriety of appropriations to pay the same.

The claims referred to by Mr. Nesmith are based upon article 3 of the treaty with the Rogue river Indians, September 10, 1853. See Statutes at Large, vol. 10, page 1018. The claims in question are of two classes, viz:

1st. Pay for property of the whites, destroyed by the Indians.

2d. Payments of such improvements as may have been made by land claimants on the reserve.

For the payment of the first class of claims, the sum of \$15,000 was retained under the treaty, but the commissioners appointed to value the property destroyed brought in an approved list, amounting to \$43,140 75, there being seventy-three claimants, as will be observed by reference to the copy of their report herewith, the original having been filed in this office by J. Palmer, March 30, 1855. Having but \$15,000 to pay \$43,140 75, this office made "pro rata" payments of $34 \frac{77}{100}$ per cent. to such claimants as made application therefor on surrender of duplicate certificates of award, issued to them by the commissioners. It would therefore take an appropriation of the further sum of \$28,140 75 to complete the payment of the claims now under notice, to the full amount found due by the commissioners.

The second class of claims amounted, according to the report of the commissioners, to \$2,832 25, for which there were ten claimants, and for their satisfaction the sum of \$2,000 has been appropriated, consequently to make the payments in full will require a further appropriation of \$832 25, less \$17 43 overplus after pro rata.

It would seem that justice to the claimants, in both classes mentioned, would require a full payment, and I would respectfully recommend appropriations of the deficiencies.

On the copies of the list, in the report of the commissioners herewith, the parties to whom pro rata payments have been made are designated thus. (*)

Very respectfully, your obedient servant,

CHARLES E. MIX,
Chief Clerk for the Commissioner.

Hon. J. P. USHER,
Secretary of the Interior.

JACKSONVILLE, O. T., February 10, 1855.

SIR: Pursuant to the special instructions issued from your office at Dayton Oregon Territory, bearing date December 20, 1854, to us communicated, the undersigned, commissioners appointed to examine and audit claims of citizens for property destroyed by the Rogue river tribe of Indians during the war with said tribe in 1853, also to assess the value of permanent improvements made by whites on lands assigned as a reservation to said Indians by the treaty of the 10th of September, 1853, beg leave most respectfully to report that on the 1st day of January, 1855, they convened at Jacksonville, in said Territory, and after being duly qualified by taking the proper oath of office, certified copies of which were forthwith forwarded to you by mail, they proceeded to the discharge of their duties.

They determined by the most available and reliable testimony, 1st. The date of the commencement of the war, to wit, the 2d day of August, 1853. 2d. The date of the termination of hostilities, to wit, the 10th day of September, 1853. Said testimony was reduced to writing and is herewith accompanying, marked "A," in envelope.

In relation to claim for property destroyed as aforesaid, the board made the following order:

"That all claims presented, as far as practicable, shall be based on the affidavit of the claimant setting forth: 1st. The destruction of the property for which payment is claimed. 2d. That such property was destroyed during the actual hostilities of said war. 3d. That such property was destroyed by the Rogue river tribe of Indians or their allies. 4th. Such description of the property destroyed as will enable the commissioners to assess its just value.

"In addition to the above basis of proof, the board will require the same to be supported by the testimony of two disinterested witnesses, when practicable.

If such testimony cannot be procured, claimants must present such circumstantial or other evidence as may satisfy the commissioners of the justice of their claims. If the claimant cannot be personally present, claims may be presented by agent, and proved by any kind of competent testimony."

The board then proceeded to receive and entertain proof of claims as aforesaid, reducing the substance thereof to writing, which will be found herewith accompanying each claim, numbered from 1 to 73, inclusive, in envelopes.

After claimants had closed their testimony the board proceeded to make awards in the several spoliation claims in such amounts as the proof and circumstances of the case would warrant, basing their estimates of the value of all property of a current commercial rate during the war, on a price current established by the testimony of several merchants and farmers of Jackson county, in said Territory, the substance of which was reduced to writing, and is herewith accompanying, marked B in envelope; as to kinds of property not therein contained, the value of the same was established by testimony offered by claimants, always varying the estimate made according to the description and location of the property destroyed; certificate of such awards made accompanying the claims and proof, numbered from one to seventy-three, inclusive, *seriatim*.

The board also issued to each claimant a duplicate certificate of the award made in each case.

The following catalogue exhibits the result of the labors of the board in the matter of spoliation claims as aforesaid.

Statement of the number and names of claimants for property destroyed by the Rogue River tribe of Indians, during the war with said tribe in 1853, and the amount allowed to each annexed.

No. 1. Daniel & Ephraim Raymond*	\$1, 093 25, paid..	\$3, 144 25
No. 2. Clinton Barney		249 00
No. 3. Davis Evans*	610 21, paid..	1, 755 00
No. 4. Martin Angel		200 00
No. 5. Michael Brennen		32 75
No. 6. Albert B. Jennison*	587 49, paid..	1, 689 65
No. 7. William J. Newton*	556 32, paid..	1, 600 00
No. 8. Wm. Thompson and Henry Rowland*	357 78	1, 029 00
No. 9. John W. Patrick and John R. Hardin*	457 22	1, 315 00
No. 10. Pleasant W. Stone		450 00
No. 11. Jeremiah Yarnal*	34 47, paid..	100 00
No. 12. William S. King*	86 92, paid..	250 00
No. 13. Cram, Rogers & Co.*	86 92, paid..	250 00
No. 14. Edith M. Neckel		230 00
No. 15. John Benjamin*	109 87, paid..	316 00
No. 16. David N. Birdseye*	73 54, paid..	211 50
No. 17. Lewis Rotherend		225 00
No. 18. Mary Ann Hodgins		80 00
No. 19. George H. C. Taylor*	232 43, paid..	668 50
No. 20. John Markley		80 00
No. 21. Sigmond Eulinger		130 00
No. 22. James C. Tollman*	68 85, paid..	175 00
No. 23. Henry Ham		108 10
No. 24. William M. Elliott*	187 76, paid..	540 00
No. 25. Silas and Edward Day*	146 38, paid..	421 00
No. 26. James Triplett*	173 85, paid..	500 00
No. 27. Nathan B. Lane		669 00
No. 28. John Agy		85 00

No. 29. James Bruce*	165 15, paid..	\$475 00
No. 30. James J. Fryer*	189 32, paid..	544 50
No. 31. William G. F. Vank*	93 88, paid..	270 00
No. 32. Hall & Burpree*	218 53, paid..	628 50
No. 33. John Penneger*	92 44, paid..	263 00
No. 34. John E. Ross*	1, 451 99, paid..	4, 176 00
No. 35. John S. Miller*	165 85, paid..	477 00
No. 36. D. Irwin*	319 89, paid..	920 00
No. 37. Burnell B. Griffin*	441 01, paid..	1, 277 00
No. 38. Traveena McComb*	354 66, paid..	1, 020 00
No. 39. William N. Ballard*	162 90, paid..	468 50
No. 40. Freeman Smith*	132 91, paid..	382 25
No. 41. Nicholas Kohenstein*	79 10, paid..	227 50
No. 42. Daniel F. Fisher*	60 33, paid..	173 50
No. 43. Thomas D. Jewett		317 25
No. 44. Sylvester Pease*	204 31, paid..	300 00
No. 45. McGreer, Drury & Runnels		450 00
No. 46. David Hayhart		90 00
No. 47. James Mooney		500 00
No. 48. John Gheen*	292 07, paid..	840 00
No. 49. Theodosia Cameron		30 50
No. 50. James Abrahams		825 40
No. 51. Francis Nasarett*	509 03, paid..	1, 464 00
No. 52. Galley & Oliver		500 00
No. 53. T. B. Sanderson*	139 08, paid..	400 00
No. 54. Frederick Rosenstock*	156 46, paid..	450 00
No. 55. Dunn & Alluding*	869 25, paid..	2, 500 00
No. 56. Asa G. Fordyce		200 00
No. 57. Obadiah D. Harris		50 00
No. 58. James L. London*	69 54, paid..	200 00
No. 59. Samuel Grubb		300 00
No. 60. William Kahler*	50 23	144 45
No. 61. Samuel Williams*	164 83, paid..	474 00
No. 62. Hiram Niday*	312 41, paid..	898 00
No. 63. John Anderson*	380 04, paid..	1, 093 00
No. 64. Elias Huntington		80 00
No. 65. Shertack Abrahams		213 25
No. 66. Thomas Frazell, deceased		476 00
No. 67. Weller & Rose*	295 55, paid..	850 00
No. 68. Robert B. Metcalf*	29 90, paid..	86 00
No. 69. Charles Williams		67 00
No. 70. John Swinden		475 00
No. 71. James R. Davis		35 00
No. 72. Isaac Woolen*	260 78, paid..	750 00
No. 73. William M. Hughs		275 00

 43, 140 75

In further pursuance of instructions the board visited, from time to time, as their labors would permit, the lands assigned as a reservation to the Rogue river tribe of Indians by the treaty of September 10, 1853, as aforesaid, the same lying in the vicinity of Jacksonville, and made inspections of permanent improvements made by whites on said lands previously to said treaty, with a view of assessing their value. In several instances they found the same partially removed or destroyed by said Indians, they therefore deemed it expedient

to take the statement of the claimants on oath, and such other testimony from disinterested sources as could be obtained, to assist the commissioners in arriving at a just estimate of the value of said improvements at the time such claimants were dispossessed thereof by the act of the government. The amounts allowed are in a very slight degree only compensatory of the real damages sustained by settlers who were required to remove from said Indians' reserve, prior occupancy of agricultural lands in a district furnishing the best market for farming produce on the Pacific coast being, in most instances, of ten-fold greater value than the improvements on the same. But the Commissioner regarded their instructions as strictly limiting their duties in the premises to the assessment of the value of improvements on said lands *alone*, and governed themselves accordingly. The awards in cases of reservation claims, numbered from one to ten, inclusive, certificate accompanying the proof, and duplicates of the same, have been issued to claimants, in manner as hereinbefore reported with reference to spoliation claims. The following is a statement of the number and names of claimants for permanent improvements made by whites on lands assigned as a reservation to the Rogue river tribe of Indians, by their treaty with said tribe dated September 10, 1853, with the amount awarded to each claimant, and the sum total thereof, to wit:

No. 1. Davis Evans.....		\$350 00
No. 2. Mathew G. Kenedy.....		250 00
No. 3. John G. Cook.....	\$413 30, paid....	590 00
No. 4. William Hutchinson.....		311 25
No. 5. Charley Grey.....	270 20, paid....	386 00
No. 6. Robert B. Metcalf.....		350 00
No. 7. Jacob Gall.....	84 00, paid....	120 00
No. 8. George H. C. Taylor.....		75 00
No. 9. John M. Silcott.....		100 00
No. 10. James Leisler.....		300 00
		2,832 25

In making awards on claims for spoliation during said war, the object of the board has been to ascertain in favor of each claimant the just value of property actually destroyed, without considering resultant damages, or endeavoring to canvass claims with the view of reducing them within the fifteen thousand dollars reserved from the Indian annuities for the purpose of liquidating such claims, believing that more ample and equal justice could be obtained by pursuing such course.

Some few claims of slight amounts for Indian spoliation during said war probably remain unrepresented. But the commissioners have spared no pains in obtaining testimony and making awards in all practicable cases, where they had reason to believe existed just claims. Considering the floating character of the population in the mining districts of Oregon, and the numerous casualties incident to life on our frontiers, it is believed that from the time spent in session by the board it would not be expedient for the final adjustment of all claims against the United States properly cognizable by said commissioners. All which is most respectfully submitted.

L. F. GROVER,
H. C. GIBBS,
GEORGE H. AMBROCE,
Commissioners.

JOEL PALMER, Esq.,
Superintendent of Indian Affairs, Oregon.