

3-19-1872

## Treaty with Nez Perce Indians. Letter from the Secretary of the Interior, relative to the third article of the treaty of August 13, 1868, with the Nez Perce Indians

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



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

---

### Recommended Citation

H.R. Exec. Doc. No. 198, 42nd Cong., 2nd Sess. (1872)

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 [darinfox@ou.edu](mailto:darinfox@ou.edu).

TREATY WITH NEZ PERCÉ INDIANS.

---

LETTER

FROM

THE SECRETARY OF THE INTERIOR,

RELATIVE TO

*The third article of the treaty of August 13, 1868, with the Nez Percé Indians.*

---

MARCH 19, 1872.—Referred to the Committee on Indian Affairs and ordered to be printed.

---

DEPARTMENT OF THE INTERIOR,  
*Washington, D. C., March 16, 1872.*

SIR: I have the honor to transmit herewith a copy of a report of the Commissioner of Indian Affairs and accompanying copy of a communication to him from Hon. H. W. Corbett, United States Senate, dated the 4th instant, in relation to the third article of the treaty of August 13, 1868, with the Nez Percé Indians, which provides for the reimbursement to them of moneys due said tribe for school purposes and support of teachers, which has been used since the year 1864 for other purposes.

The facts in the case are set forth in the report of the Commissioner of Indian Affairs.

The subject is respectfully submitted to Congress, without recommendation by this Department, for such action as that body may deem proper to take in the premises.

Very respectfully, your obedient servant,

C. DELANO,  
*Secretary.*

Hon. JAS. G. BLAINE,  
*Speaker House of Representatives.*

---

DEPARTMENT OF THE INTERIOR,  
OFFICE OF INDIAN AFFAIRS,  
*Washington, D. C., March 14, 1872.*

SIR: By the third article of the treaty with the Nez Percé Indians, of August 13, 1868, (St., vol. 15, p. 694,) it is stipulated and agreed "that the amount due said tribe for school purposes and for the support of teachers that has not been expended for that purpose since the year

1864, but has been used for other purposes, shall be ascertained, and the same shall be reimbursed to said tribe by appropriation by Congress, and shall be set apart and invested in United States bonds, and shall be held in trust by the United States, the interest on the same to be paid to said tribe annually for the support of teachers."

In connection with the above I herewith have the honor to present copies (in duplicate) of a letter from Senator Corbett, of the 4th instant, explaining why the article above cited was inserted in the late treaty with the Nez Percé Indians. The Nez Percé delegation that visited Washington in 1868, the honorable Senator states, complained to him that their people had been deprived of the benefits of schools since the year 1864, and were surprised to learn that the funds appropriated for school purposes since that time had been expended. It is further stated that their agent, the late James O'Neill, acknowledged, in the presence of the Senator and of the Indians, that he had used said funds for other purposes. The Indians, it is said, claimed that they were entitled to have the money, thus used contrary to treaty stipulations, restored to them, and the claim was conceded to them in the late treaty as an act of justice.

From the records of this office it appears that from the year 1864 until the date of the treaty with the Nez Percés in 1868 there were at various times placed in the hands of James O'Neill as United States agent for said Indians moneys appropriated under former treaty stipulations with the tribe for support of schools and for pay of teachers amounting in the aggregate to \$10,300, of which the sum of \$750 appears to have been expended by him in the purchase of provisions and other articles, and \$8,083 48 paid for services of "one superintendent of teaching and two teachers," at salaries of \$1,200 and \$1,000 per annum. The agent's quarterly accounts of disbursements from 1864 until 1869 are supported by vouchers covering the sum above stated to have been paid for school purposes, wherein the teachers receipt to the agent for the amounts of their salaries, and he certifies on honor that the services in each case were actually rendered. In his quarterly report of employés in the service of the Nez Percé agency the names of the teachers referred to in the vouchers as recipients of salaries are taken up, and there is nothing on record to show that fraud or deception has been practiced in the premises.

It is believed, however, from Senator Corbett's statement of the case, that this office was imposed upon by false representations and certificates on the part of the officer in charge of the Nez Percé agency during the four years mentioned, and that the vouchers presented in his accounts for educational services rendered by teachers during said period are fraudulent.

With reference to the item of \$750 expended in the purchase of various articles of provisions, &c., and charged at this office to the appropriation for support of schools, under the impression that the articles were for the care and subsistence of children attending school, it is evident that if there was no school in existence at the agency during the time these expenses are said to have been incurred, the amount thus charged to "support of schools" could not have been thus expended, although the Indians may have received the entire benefit thereof in some other way.

The total amount, therefore, supposed to have been taken from funds appropriated under treaty stipulations with the Nez Percés for support of schools and pay of teachers, but expended, if at all, for other purposes, is \$8,838 48.

I respectfully submit for the consideration of the Department whether an application to Congress for reimbursement of the said amount under the provision contained in the third article of the treaty with said Indians, of August 13, 1868, would be sustained by the facts and circumstances of the case as stated in this report. Should the Department decide in the affirmative, I respectfully recommend that the matter be submitted to Congress for its action.

Very respectfully, your obedient servant,

F. A. WALKER,  
*Commissioner.*

Hon. C. DELANO,  
*Secretary of the Interior.*

---

WASHINGTON, *March 4, 1872.*

DEAR SIR: I respectfully call your attention to the treaty, August 13, 1868, article 3, with the Nez Percé tribe of Indians, providing for the reimbursement of moneys to them, for school moneys used by the agent during certain years for other purposes. The delegation of Nez Percés in 1868, that visited Washington, claimed that they had been deprived of their school for a certain number of years (since 1864.) They brought their accounts to me, and in presence of their agent, James O'Neill, claimed this, and were surprised that the money for school purposes had been expended, while they had been deprived of their school.

I questioned the agent upon this point, and he acknowledged that he had used their school money for other purposes.

The Indians claimed that they were entitled to the money or the school; it was therefore conceded to them that, having had no teachers and no school for the previous four years, they were jointly entitled to the reimbursement of money used contrary to treaty stipulations.

I suppose this explains the provisions in the treaty of 1868.

Yours, respectfully,

H. W. CORBETT.

Hon. COMMISSIONER OF INDIAN AFFAIRS.

○