

4-9-1886

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Recommended Citation

H.R. Rep. No. 1610, 49th Cong., 1st Sess. (1886)

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ESTATE OF THE LATE JOHN HOW.

APRIL 9, 1886.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. W. WARNER, from the Committee on Claims, submitted the following

REPORT:

[To accompany bill H. R. 7648.]

The Committee on Claims, to whom was referred the bill H. R. 1353, having carefully considered the same, submit the following report:

John How was appointed agent for the Indians of the Western Shoshone Agency, Nevada, in July 1878. Mr. How was an old and respected citizen of Saint Louis, Mo., and for thirty years had been one of the leading merchants of that city. He was a man of unimpeachable integrity, as the testimonials of such citizens as General W. T. Sherman, Hon. F. M. Cockrell, Hon. G. G. Vest, and others abundantly testify. In fact, it seems that through a long and active business life none ever questioned the integrity of John How.

On the acceptance of his office he entered into a bond in the penal sum of \$10,000 for the faithful performance of its duties, his sureties being James O. Broadhead, Samuel T. Glover (since deceased), and Gerard B. Allen. He at once entered upon the performance of his duties as such agent. He served his term of four years, which expired in July, 1882, though for a short time in the latter part of his term the agency was in charge of an inspector of the Indian Office.

Certain questions having been raised by the inspector in regard to his accounts, he tendered explanations of them, which were considered by the Indian Commissioner to be full and satisfactory except as to a very small number, which were suspended mainly on account of technical informality, as shown by the following letter of the Commissioner of Indian Affairs.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, April 7, 1884.

GENTLEMEN: Herewith inclosed you have a copy of a schedule of certain suspensions made in the examination in this office of the accounts of John How as Indian agent; which the explanations, certificates, affidavits, &c., submitted by him are deemed sufficient to remove; the Treasury Department having been so advised, and below is a list of suspensions still remaining against said accounts during the time referred to.

CASH ACCOUNTS.

Fourth quarter, 1878.

[Abstract A.]

Voucher 2. Pay of police, \$162; receipted by marks; the marks not witnessed.
Voucher 5. Freight paid, \$366.25; no authority referred to for the disbursement.

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Voucher 6. Fare paid C. P. R. Road, \$20; this is a subsidized road.

Voucher 8. Paid to settle dispute between an Indian and white man; no authority referred to.

First quarter, 1879.

Voucher 3. Meals to Indians, \$48; no authority referred to.

Voucher 5. For various items of expenditure, \$67; no authority referred to.

Third quarter, 1879.

Voucher 1. Paid Pah Ute Bill, Indian, \$75, for which his receipt by mark is not witnessed.

Voucher 3. Disallowance for error in calculation, 62 cents.

Supplemental:

Voucher 3. Authority wanted for expenditure of \$788.19 for various purposes, principally freight, which cannot be properly identified.

Fourth quarter, 1879.

Voucher 1. Disallowance for error in calculation, 80 cents.

Voucher 4. Authority wanted for How's exceeding the amount of beef he was authorized to buy, 2,805 pounds, and for paying for drayage, \$4.75, and boarding employés, \$132.

First quarter, 1880.

Voucher 1. Robert, McCullough, employé, \$225. Not receipted for by self; name incorrectly spelled.

Voucher 4. Expenses of Rodeo, \$153. The various employés have not receipted.

The reason why this office has not recommended the approval by the Department of the several amounts suspended for want of authority is that the vouchers submitted by Agent How are either informal or sufficient data is not given on which to determine the necessity and propriety of the expenditure.

PROPERTY ACCOUNTS.

Fourth quarter, 1878.

Abstract A. One thousand pounds beef to be accounted for.

Abstract C. Not certified to by employés.

Abstract D. The issues per this abstract are neither properly receipted for, witnessed, or certified to.

Medical property:

Eight ounces chalk, 32 ounces chloroform, and 1 thermometer, not accounted for.

First quarter, 1879.

Abstract C. Not certified by employés.

Abstract D. Remarks to same abstract with fourth quarter, 1878 (just above), apply here also.

Medical property:

Four ounces magnesia, 8 ounces ammonia, 8 ounces potassa, and one cork-screw, to be accounted for.

Second quarter, 1879.

Abstract C. Not certified to by employés.

Third quarter, 1879.

Abstract C. Not certified to by employés.

Abstract F. The following articles dropped per this abstract, improperly, remain charged to Agent How: 7 axes, 2 hoes, 2 hatchets, 2 hammers, 3 mattocks, 7 rakes, 5 shovels, 6 spades, 2 wrenches.

Fourth quarter, 1879.

One stove, one saw-set, and five cords wood, on Abstract A, not carried to property return, and 360 pounds beef on hand last quarter not brought forward.
Abstract C. Not certified to by employes.

First quarter, 1880.

Abstract D. Only a part of the goods dropped as issued per this abstract are receipted for, the others remain charged to the agent.

Medical property :

Certain supplies bought from J. McKesson, July 29, 1879, not accounted for.

All of the foregoing suspensions have been fully explained in statements sent Agent How at the time his accounts were first examined, to which statements you are referred. In this connection you are informed that the action of this office being merely administrative, you must look to the Treasury Department for statement of the actual status of Agent How's accounts.

Respectfully,

H. PRICE,
Commissioner.

Messrs. JEFFRIES & KING,
1420 New York Avenue, City.

It appears that the disallowances or suspensions in the cash account are about \$2,000. The property not properly accounted for was of little value.

That the expenditures were made, and that for the benefit of the Indians, your committee are fully satisfied.

The accounting officers of the Treasury disallowed other expenditures largely for similar informalities.

Suit has been commenced on the official bond. Shortly after the institution of said suit Mr. How died. Previous to his death he had collected a large amount of evidence. (Senate Ex. Doc. 78, first session Forty-ninth Congress.) The sureties relied upon Mr. How in obtaining evidence on the trial of the case. He alone could explain the expenditures suspended, &c.

This rendered an application to Congress for relief necessary, and the committee are convinced from the evidence that Mr. How never defrauded the Government out of a dollar, and that all disallowances arise from want of compliance with technical forms on the part of Mr. How.

In this connection the committee quote from the report of the Commissioner of Indian Affairs for 1882 (p. v) :

One great cause of embarrassment and discouragement to Indian agents is the trouble and annoyance they find in keeping their accounts so as to comply technically with all the regulations and rulings in reference to the final settlement of their accounts. As the matter now stands, an agent may execute to the letter an order given him by the Secretary of the Interior for the payment of money, and yet that item in his account may be suspended against him, and he and his sureties be compelled by law to pay the money again.

The result is, if he refuses to obey the orders of his superior he loses his position, and if he obeys he loses his money.

Also from the report of the Commissioner of Indian Affairs for 1883 (p. IX) :

Sometimes such men are found who are willing to undertake this work for the good that they hope to accomplish, but they soon find themselves surrounded with difficulties and hampered and embarrassed by regulations and rulings that are not to be found in any other business or any other department of the Government; and in place of the support and sympathy which they expected from the Government, they are

harassed and annoyed by technical rulings in conducting the affairs of the agency to such an extent that they become disheartened, despondent, and disgusted, and abandon the work upon which they entered with high hopes of doing good. One agent, who was appointed upon the earnest solicitation of a United States Senator from his State, wrote me a few weeks since, after being in the service about one year, using this language:

"If I had known at the time of my appointment of the heavy responsibility, trouble, sleepless nights, and agony of mind I have had to undergo, \$5,000 salary would not have tempted me to accept the office. I would now resign if I could in justice to myself and bondsmen."

Another of our agents, a live, wide-awake, energetic man, in tendering his resignation for the second time a few weeks since, uses the following language:

"I respectfully beg leave to renew the tender of my resignation. It is needless for me to add any reasons to the ones already given, but I will say this: I am thoroughly convinced, after digesting all that was said to me by the chief of the Indian division of the Second Comptroller's Office, that no care, no honesty, will prevent a man in this position from being robbed by legal process, and further, that the Indian Bureau is powerless to protect its officers. I am satisfied that no agent can perform the higher duties for which he was placed here without sooner or later being compelled to spend his own money to defend himself from some unjust charge. I have the assurance of this same chief of division in the Second Comptroller's Office that in case an agent, acting on his own judgment did, by an expenditure of five dollars, save the Government a million, he would compel him to refund that five dollars if he could. I cannot afford, after doing my whole duty, to spend a thousand dollars to prove it, and I don't propose to spend my money on claim agents either."

The Indian service loses very many of its best agents because of the unnecessary and vexatious manner of keeping and settling their accounts. No mercantile or manufacturing business could be carried on one year on the same system. I am compelled to say that it is wrong in principle and in practice, and is in effect discounting good men and offering a premium on bad or incompetent ones.

In addition to this, many of the Indian agents have to live in houses which are in wretched condition, much less comfortable than stables for horses and mules in civilized communities. At least \$100,000 should be appropriated this year for construction and repair of buildings at agencies.

Mr. How is dead. His estate is insolvent. Whatever amount is recovered, if any, must be paid by the sureties on Mr. How's official bond. The principal being dead, they have no means of showing how the irregularities in the accounts of Mr. How occurred.

The committee, from a careful examination of the facts in this case, are of the opinion that the Government sustained no loss by any act of dishonesty on the part of Mr. How.

The committee report back the accompanying substitute for bill H. R. 1353, and recommend its passage, and that the original bill do lie upon the table.

Statements of General W. T. Sherman, William H. Bliss, and others are herewith submitted in the appendix to this report.

APPENDIX.

SAINT LOUIS, *January 12, 1882.*

SIR: I understand that certain charges have been preferred against Mr. John How, Indian agent. Although I have not seen the charges and have not had an opportunity to investigate them, yet an acquaintance of many years with Mr. How fully justifies me in believing that though he may have committed irregularities, he would not commit dishonorable acts. I believe that none can be found in this city, where he spent most of his life, who will say that his integrity has ever been questioned. I cannot help feeling that when Mr. How's side of the matter is presented and the facts fully disclosed, it will be found that he has not intentionally committed any wrong.

As his sureties have requested that he may be retained for the six months of his unexpired term, in order under his own suspension to clear up this matter, I hope

that such request will be granted. His sureties are men of undoubted standing here, and their indorsement of him is entitled to great weight.

Hoping that my request in this behalf may not be deemed officious,
I have the honor to be, your obedient servant,

CHESTER H. KRUM.

The INDIAN COMMISSIONER,
Washington, D. C.

[District attorney of the United States for the eastern district of Missouri.]

SAINT LOUIS, January 12, 1882.

SIR: I am informed by the friends of John How that he has been suspended from his office as Indian agent at Elko, Nev., upon charges affecting his official integrity. I have no knowledge of the exact nature of the charges; but I venture to say that from my long personal acquaintance with Mr. How and from his high standing in this community, where he was for many years one of its most honored and respected citizens, I am confident he has not knowingly wronged the Government or any of its wards placed under his charge.

With this belief I take the liberty of asking that if consistent with your sense of justice and propriety he may be allowed a full opportunity to meet and defend himself against the charges mentioned, which opportunity, I am informed, was denied him by the officer who investigated his affairs and relieved him from duty.

Very respectfully, your obedient servant,

WM. H. BLISS.

Hon. HIRAM PRICE,
Commissioner of Indian Affairs, Washington, D. C.

SAINT LOUIS, MO., January 12, 1882.

Hon. A. G. COCHRAN:

DEAR SIR: I have just seen our mutual friend, Mr. John How, who has for some years past held the place of Indian agent at Elko, Nev.

Some evil-minded persons, who, in my opinion, seek mostly the gratification of their bad feelings, have made complaints against Mr. How, touching the administration of his office. The testimony of these persons, taken by Inspector Smith, has been submitted to me and I have read it with some care. I suppose you can see it at the proper office in Washington. I think you will find it quite vague and non-specific in respect to charges, but full of insinuation, leaving the reader to guess what is the particular matter complained of. I have known Mr. How intimately more than thirty years. During all that time he has sustained the reputation of a strictly honest and honorable man. I have found in the mass of testimony submitted to me nothing to shake my perfect confidence in Mr. How's integrity, and if the testimony of the witnesses was clearer and more specific, and that of respectable men, I should hesitate to believe that John How would commit a dishonest act on the testimony of any man or men. In fact I believe Mr. How incapable of it. There is not, in all the evidence taken before Inspector Smith, as shown to me, a particle tending to show a corrupt motive or an intent * * * act of wrong against the Government that * * * to show irregularities and neglect of * * * may be true. I do not know that such is * * * for I do not know what forms are prescribed, but I am satisfied that a perfectly faithful administration of office is entirely consistent with some neglect of forms which it is impossible to follow under all circumstances, especially in a country like Nevada. Now, having said this much, I wish to add that I wish to see the complaints against Mr. How thoroughly investigated; and this of course, after what I have said of him, is his earnest wish. If opportunity is allowed him, I believe—I think I may say I know—he can and will explain everything to the satisfaction of the Government.

As one of his securities I wish him to vindicate his conduct from every reproach, and I am perfectly willing, notwithstanding what has been said against him, to see him serve out his term, for I am sure he will do nothing wrong, and I am confident he can and will conduct the residue of his term better for the Government and better for his securities than any other person can.

I understand Mr. How has obtained permission to come to Washington and see Secretary Kirkwood.

I am rejoiced to know it, for I believe a personal explanation by Mr. How in respect to everything will do more to remove suspicion against him, if any exists, than a hundred depositions.

I am, sir, very respectfully,

S. T. GLOVER.

I have an abiding confidence in Mr. How's integrity, and fully concur in all that Mr. Glover has here said.

GERARD B. ALLEN.

I have not read the depositions referred to, but I have entire confidence in Mr. How's integrity, and fully concur in all that Mr. Glover has said.

JAMES O. BROADHEAD.

Hon. S. J. KIRKWOOD,
Secretary of the Interior:

I knew Mr. How well at Saint Louis in war times, and he was then one of the richest, most loyal, and most responsible men there. I have met him often since, and I never heard a word to his discredit. The above indorsers, Glover, Broadhead, and Gerard B. Allen, are personal friends of mine, and are men of the highest integrity. I beg you will treat Mr. How with special favor, as I believe him most worthy.

W. T. SHERMAN.

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