

2-25-1887

Message from the President of the United States, returning House bill no. 7648, with his objections thereto.

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Recommended Citation

H.R. Exec. Doc. No. 194, 49th Cong., 2nd Sess. (1887)

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JOHN HOW, INDIAN AGENT.

M E S S A G E

FROM THE

PRESIDENT OF THE UNITED STATES,

RETURNING

House bill No. 7648, with his objections thereto.

FEBRUARY 25, 1887.—Referred to the Committee on Claims and ordered to be printed.

To the House of Representatives :

I herewith return without approval House bill number seventy-six hundred and forty-eight, entitled "An act for the relief of the estate of the late John How, Indian agent, and his sureties."

John How was appointed Indian agent in July, 1878, and upon such appointment gave a bond to the Government in the penal sum of ten thousand dollars conditioned for the faithful performance of his duties as such agent, and to protect the Government from loss by mismanagement or malfeasance in his official conduct. The parties named in the bill were his sureties on said bond.

On the 23d day of December, 1881, upon a report of inspectors connected with the Indian Bureau, suggesting frauds and mismanagement in the conduct of this agency, Mr. How was suspended from his office, which suspension was approved by the President in January, 1882.

After such suspension the accounts of the agent were examined, and various explanations offered by him in relation thereto. It is stated, however, in a report from the Indian Office now before me, that such explanations were deemed by that office sufficient to remove only a small part of the items in the accounts which were questioned. The matter was thereupon referred to the Treasury Department for further examination and adjustment.

The Second Comptroller reports that the final settlement of this agent's accounts was pending before the accounting officers for upwards of eighteen months, affording ample opportunity for any explanation which might be deemed necessary and proper, and that on the 21st

day of July, 1885, a final adjustment was made of the said accounts, by which a sum very much in excess of the penalty of his bond was found due from said agent to the Government.

A suit was afterwards instituted against the agent and his sureties to recover the amount thus found due, so far as the bond covered the same.

This suit is still pending.

The object of the bill now under consideration is to wholly release and discharge these sureties from any liability upon said bond.

It seems to be the opinion of all the officers of the Government who have examined the matter at all that a debt exists in favor of the Government upon this bond. It is reported that a large amount of evidence has been taken and that in the opinion of these officers the amount due the Government cannot be reduced to a less amount than the penalty of the bond.

The Second Comptroller states, as results of examinations made in his office, and by the Second Auditor, that it appears that many of the vouchers presented by the agent were fictitious, the persons in whose names they were given testifying that services and supplies therein mentioned were never rendered or furnished; that in other cases parties denied the genuineness of vouchers purporting to be made by them; that a large voucher apparently given for cattle was actually given for money loaned, and that supplies bought with Government funds were appropriated for the agent's personal benefit.

I do not suppose that it was intended by the Congress to entirely relieve these sureties, if a condition exists such as is above set out, which results in an indebtedness to the Government. The proposed legislation, judging from the report of the House Committee on Claims, seems rather to proceed upon the theory that no sum is due the Government in the premises.

I think it will hardly be claimed that the patient investigation of the accounting officers should be lightly discredited in this case; and it seems to me that justice to the Government and fairness to the sureties seeking relief, will presumably be secured by the further prosecution of the suit already instituted, in which the truth of all matters involved can be thoroughly tested.

GROVER CLEVELAND.

EXECUTIVE MANSION,

Washington, February 24, 1887.

[H. R. 7648. Forty-ninth Congress, second session.]

An act for the relief of the estate of the late John How, Indian agent, and his sureties.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Samuel T. Glover, James O. Broadhead, and Gerard B. Allen, sureties of the late John How, formerly Indian agent at the Western Shoshone Agency.

Nevada, on the official bond of said John How, be, and they are hereby, released from any and all liabilities of every kind and nature on or growing out of said bond; that no action shall be brought, maintained, prosecuted, or enforced against said sureties, or either of them, their executors, administrators, or heirs, in any court.

JOHN G. CARLISLE,

Speaker of the House of Representatives.

JOHN SHERMAN,

President of the Senate pro tempore.

I certify that this act originated in the House of Representatives.

Attest:

JNO. B. CLARK, JR., *Clerk.*

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