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James H. Hollen, Hiram Avery, and Joseph Tesson

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JAMES H. HOLLEN, HIRAM AVERY, AND JOSEPH TESSON.

FEBRUARY 13, 1889.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. KERR, from the Committee on Claims, submitted the following

REPORT:

[To accompany bill H. R. 11995.]

Your committee, to whom was referred the bill (H. R. 11995) for the relief of James H. Hollen, Hiram Avery, and Joseph Tesson, report as follows

That the said persons were duly appointed to the places of farmer, teacher, and laborer at said agency; that they performed the duties assigned to them during the year 1887 and until May 30, 1888; that they were refused payment by the Secretary of the Interior for the said term for the reason that they were not re-appointed in the manner required by law. This was not done, for the reason that the agent, one Block, failed to return the estimates and otherwise neglected his duties until he was finally removed. We attach hereto the affidavits of the present agent, Emos Gheen, and of each of the claimants, showing that the work was performed in perfect good faith. Since the introduction of this bill the Secretary of the Interior has ordered the payment of the farmer and teacher until June 30, 1887, and we therefore move to amend the bill by striking out "eight hundred and fifty," in the first and second sections of the bill, and inserting "five hundred and fifty:" and that as thus amended the bill pass.

SAC AND FOX OF IOWA AGENCY,
Tama, Iowa, December 8, 1888.

I, Enos Gheen, agent of Sac and Fox Indians of Iowa, do depose and say, that I have examined the records in my office, and find under "Report of employés in service" that Joseph Tesson (Indian) was carried on said rolls, as laborer, at a salary of \$100 per annum, during the four quarters of 1886 and 1887 inclusive, and the same marked "not paid."

Also that James H. Hollen was carried on said rolls as additional farmer for the four quarters of 1887, at a salary of \$50 per month, and marked "not paid."

Also Hiram Avery, teacher, was carried on the above-named rolls for the four quarters of 1887, at a salary of \$600 per annum, to date from January 1, 1887, and the same marked "not paid."

And I have also examined the correspondence between the honorable Commissioner of Indian Affairs and W. H. Black, late agent at this agency, and find nothing on file in my office from the honorable Commissioner directing or authorizing W. H. Black to notify or discharge any or all of the employés at this agency.

And I will further state that on assuming charge of this agency on May 11, 1888, I found each of the employés named, viz:

Joseph Tesson, laborer; James H. Hollen, additional farmer, and Hiram Avery, teacher, claiming to be regular employés at this agency, and from the statements to

me by the same employés and also from many of the leading citizens I am of the opinion that the said employés should be paid the amount claimed.

To all of the above I subscribe to as true to the best of my knowledge and belief.
ENOS GHEEN.

Subscribed and sworn to before me by Enos Gheen this 8th day of December, 1888.
[SEAL.] R. E. AUSTIN,

Notary Public in and for Tama County, Iowa.

TAMA, IOWA, December 8, 1888.

I, Hiram Avery, do depose and say that I was never notified by ex-Agent W. H. Black that my service as teacher was discontinued. My first notice was from Hon. A. B. Upshaw June 1, 1888. I am a resident of Montour and was almost daily in communication with ex-Agent W. H. Black; that he often assured me that I was in service as teacher; with this understanding I performed my official duties truly and faithfully, and that no part of this service has been paid.

HIRAM AVERY.

Subscribed and sworn to before me by Hiram Avery this 8th day of December, 1888.

[SEAL.]

R. E. AUSTIN,

Notary Public for Tama County, Iowa.

TAMA, TAMA COUNTY, IOWA,
December 8, 1888.

I, James H. Hollen, being duly sworn, say that on or about January 1, A. D. 1887, I received official notice from W. H. Black, agent of Sac and Fox Indians, of Tama County, Iowa, of my appointment as additional farmer at this agency; that I at once entered upon said duties, and continued to perform the duties as farmer from January 1, A. D. 1887, until May 31, A. D. 1888; that said service was performed under the full knowledge, direction, and consent of W. H. Black, the agent; that at no time in several interviews did he intimate to me that I was not a regular employé, or that he had ever received official notice to discharge the employés at this agency.

That on the 1st day of May, 1888, in an interview he informed me that I was in the employment of the Government; that he had made regular report of all the employés at this agency, and that our failing to receive payments was no fault of his, but was the fault of the Indian Department at Washington; that the first official notice received by me that I was not an employé of this agency was from Acting Commissioner A. B. Upshaw, and dated Washington, May 26, 1888, and received by me May 31, 1888; that I served as additional farmer at Sac and Fox Agency for the period of seventeen months, at \$50 per month, no part having been paid; that the letter and statement made by me dated May 21, 1888, and sent to the Commissioner of Indian Affairs, is true in every particular, the receipt of letter being acknowledged by A. B. Upshaw May 26, 1888.

JAMES H. HOLLEN.

Subscribed and sworn to before me by James H. Hollen this 8th day of December, 1888.

[SEAL.]

R. E. AUSTIN,

Notary Public for Tama County, Iowa.

SAC AND FOX OF IOWA AGENCY,
Tama, Iowa, December 7, 1888.

I, Joseph Tesson (Indian), do depose and say that I have acted as interpreter and laborer at this agency since January 1, 1886, to June 30, 1888, inclusive, or two and one-half years, at a salary of \$100 per annum. That I have performed the above service for the within stated time of two and one-half years at the salary named, and that all of which is unpaid to date, and that said service was performed with the full knowledge, consent, and by agreement with W. H. Black, agent, and when I demanded my pay of Agent Black for services rendered, was put off from time to time with the declaration that it was no fault of his, but that the officials in Washington were to blame for his payment being delinquent and unpaid.

And in further evidence of my services I refer you to all the annuity payments and quarterly reports of present and past, now on file at the Department, for ten years past; also to Special Agents Gardner and General H. Heth, now in Washington. My services being satisfactorily performed and no notice at any time being received by me from Agent Black or the Department that my services were discontinued, I am now forced to believe the cause of my payment being delayed was through the neglect or carelessness of ex-Agent W. H. Black, and to each and all of the above I respectfully ask relief.

JOSEPH TESSON.

Subscribed and sworn to before me by Joseph Tesson this 8th day of December, 1888.

[SEAL.]

R. E. AUSTIN,
Notary Public for Tama County, Iowa.

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