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Mrs. S. M. Duvall.

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MRS. S. M. DUVALL.

APRIL 8, 1890.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. SKINNER, from the Committee on Indian Affairs, submitted the following

REPORT:

[To accompany S. 738.]

The Committee on Indian Affairs, to whom was referred Senate bill (No. 738) for the relief of Mrs. S. B. Duvall, widow of the late Rev. W. P. Duvall, deceased, have considered the same and respectfully report:

This claim was presented to the Interior Department in the year 1869 by W. P. Duvall for the sum of \$7,100, and was referred to N. G. Taylor, Commissioner of Indian Affairs, who made a report upon said claim in the following office letter to Hon. J. D. Cox, then Secretary of the Interior:

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, April 19, 1869.

SIR: In reply to a letter of N. Green, esq., dated the 2d instant, and referred by you to this office, relative to a claim of Rev. W. P. Duval, a missionary at one time among the Sacs and Foxes in Kansas, I beg leave to make the following report:

The claim has several times been before this bureau, but no definite action could be taken for want of a proper understanding of its merits. In order to obtain full information in regard to the matter, it was finally referred to the agent for the Sacs and Foxes for investigation and report. The agent's report, bearing date 18th February last, has been received, and is herewith submitted, with other papers in the case, for your consideration.

It appears from a careful examination of the subject that Mr. Duvall was appointed a missionary among the Sacs and Foxes by the authorities of his church, under the second article of the treaty with the Indians, concluded on the 1st of October, 1859. School buildings for their benefit had been erected, and to preserve the buildings, it is stated by Agent Martin, then in charge, put them in the possession of Mr. Duvall. There being no means applicable to the support of the school provided under the treaty, Mr. Duvall proposed to carry on a school for the tribes named until provision should be made by treaty stipulation, if granted the use of the mission farm. Upon this condition he was allowed by Agent Martin to take charge of the school. In expectation that the treaty made with these tribes on the 4th of September, 1862 (the second article of which amply provided for the establishment and maintenance of a school for them), would be ratified, the school under Mr. Duvall was not opened until April, 1863. This treaty was, however, never ratified, and the school had to be sustained by assistance afforded by the Indians, with some aid by the Government out of the "civilization fund," and no doubt by means furnished by the missionary.

I do not find that anything more was promised to Mr. Duvall and his wife by the Department or its agents, in regard to this school, than to pay Mrs. Duvall for her services as teacher.

The Indians furnished out of their annuities a considerable sum, and the annuities of the scholars were appropriated for supplying them with clothing; and in addition to this assistance the mission and school were in some measure supported by the products of the farm. It will be seen by the report of the present agent, Mr. Wiley, that for the support of the school the three years in charge of Mr. and Mrs. Duvall, the appropriations by the Government and by the Indians amounted to \$9,763.39. The

amount of the claim presented by Mr. Duvall is \$7,100; this, with the amount expended as stated, would make the sustaining a small school having an average attendance of 15 scholars for these years, to cost the very large sum of \$16,863.49. I think there should be a just compensation allowed to Mr. Duvall for the services of his wife as teacher, and also for work done, or things supplied, for the benefit of the scholars in their charge, for which they may not have received proper remuneration; and after carefully looking over the whole matter with a view to arriving at a definite conclusion as to what is right and proper to be done, respectfully recommend the following action in the case, viz:

First. That the charge for services of Mr. Duvall as superintendent be disallowed, there being no agreement with him to serve in that capacity.

Second. That the charge for boarding children, at \$70 each per annum, be disallowed, inasmuch as the products of the mission farm and supplies furnished and paid out of the annuities of the nation were used for the support of the scholars, as also of the mission.

Third. That the charge for inclosing 30 acres, and re-inclosing two sides of the farm, be disallowed, as 100 acres were broken and fenced in 1862, and moreover the benefit derived by Mr. Duvall in raising stock on the farm, which stock he sold for his own private advantage, no doubt more than compensated him for the expense he may have incurred in fencing any part of the farm.

Fourth. Disallow charge for "Material used in farming and culinary work."

Fifth. Allow Mrs. Duvall a salary, equal to that paid to Mrs. Rogers who succeeded her as teacher in 1866, for three years, at the rate of \$600 per annum.....

\$1,800

Sixth. Allow charge for balance on subsistence, after deducting proceeds of farm and aid furnished by the nation

420

Seventh. Allow charges for making, mending, and washing clothes of the scholars, as made in Mrs. Duvall's account presented to Agent Martin when she left the agency in 1866, deducting one-third of the amount, the charges being considered rather exorbitant, and which are as follows:

Making 180 suits for boys, at \$3.50 each.....	\$630
Making 196 suits for girls, at \$3 each	588
Cooking and washing 156 weeks, at \$2.50 per week.....	390

\$1,608

Deduct one-third.....

536

1,072

3,292

From which aggregate deduct amount shown by report of Agent Wiley to have been paid Mrs. Duvall for teaching.....

1,300

Amount for allowance..... \$1,992

Whatever allowance may be made, I know of no money that can be used in payment thereof, except that appropriated for purposes of civilization and education among Indian tribes.

The letter of Mr. Green is herewith returned.

Very respectfully, your obedient servant,

N. G. TAYLOR,
Commissioner.

Hon. J. D. Cox,
Secretary of the Interior.

Official copy.

E. S. WOOG,
Chief Finance Division.

The recommendations contained in this letter were disapproved by the Secretary of the Interior.

After the death of Rev. W. P. Duvall, his widow, the present claimant, presented her claim to the Interior Department, and on the 7th of May, 1878, the then Commissioner of Indian Affairs recommended that Mrs. Duvall be paid the sum of \$757 on the following account:

Making and mending suits for boys.....	\$210
Making and mending suits for girls.....	196
Cooking and washing 156 weeks, at \$2.25.....	351

Total..... 757

This recommendation was disapproved by the then Secretary of the Interior on the ground that the whole matter had been disposed of by his predecessor, Hon. J. D. Cox, whose decision is binding upon his successors.

Your committee are of the opinion that the report of Commissioner of Indian Affairs Taylor clearly shows that Mrs. Duvall has performed the service charged for in this claim, and that the sum claimed and carried in this bill is a very moderate allowance for said services. This claim has been favorably reported from the Committee on Indian Affairs of the Senate in the Forty-ninth, Fiftieth, and Fifty-first Congresses, and was passed by the Senate in the Forty-ninth and Fifty-first Congresses.

Your committee recommend that the bill pass.

