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Money due the Creek Nation.

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MONEY DUE THE CREEK NATION.

APRIL 18, 1890.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

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

REPORT:

[To accompany H. R. 3804.]

The Committee on Indian Affairs, to whom was referred H. R. 3804, having had the same under consideration, beg leave to submit the following report:

This bill seeks to appropriate the \$400,000 due the Creek Nation under the third article of the treaty of 1866, which provides that the sum of \$400,000 shall be paid in money and divided per capita to said Creek Nation, unless otherwise directed by the President of the United States, under the direction of the Secretary of the Interior, as the same may accrue from the sale of lands to other Indians.

This provision of the treaty of 1866 has never been carried out. The lands alluded to in said treaty have all been sold, and inasmuch as this sum is bearing five per cent. interest and of no advantage to the Government, and inasmuch as the Indians through their national council request its payment, your committee are of the opinion that said sum should be paid as stipulated in third article of said treaty of 1866. Said nation now has a trust fund in the Treasury of the United States amounting to the sum of \$3,399,368, all of which is bearing interest yielding an annual income of \$169,968.40. Should the amount provided in this bill be paid over to them, there will still be an annual income arising from the remainder of their trust fund of \$149,968.40, which will be ample to support their national government schools, and so forth, and will be a saving to the United States of \$20,000 annually.

The Interior Department, including the Indian Office, recommend the passage of the bill with an amendment, in which your committee concur. The report of the Indian Office and Secretary of the Interior is hereto attached as a part hereof; and as amended your committee recommend that the bill do pass.

DEPARTMENT OF THE INTERIOR,
Washington, March 19, 1890.

SIR: I have the honor to acknowledge the receipt of your communication of 25th February last, inclosing copy of House bill 3804, "To appropriate \$400,000 to the Creek Nation of Indians as per third article of treaty of 1866."

In response thereto I transmit herewith copies of communications of 4th and 10th instant, from the Commissioner of Indian Affairs, to whom the matter was referred.

The correspondence shows that the provision of article 3 "that \$400,000 shall be paid in money and divided per capita to said Creek Nation, unless otherwise directed by the President of the United States, under the direction of the Secretary of the In-

terior, as the same may accrue from the sale of land to other Indians," has not been carried out, but that the Indians have received the interest thereon at 5 per cent. per annum.

The Commissioner recommends that the bill be amended by the following proviso: "That the Creek Indians shall receipt to the United States for the above sum in full for the \$400,000 named in the third article of the treaty between the United States and the Creek Nation, proclaimed August 11, 1866."

Very respectfully,

JNO. W. NOBLE,
Secretary.

CHAIRMAN OF COMMITTEE ON INDIAN AFFAIRS,
House of Representatives.

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, D. C., March 4, 1890.

SIR: I have the honor to be in receipt, by your reference of the 25th ultimo for report, of a communication from Hon. B. W. Perkins, chairman House Committee on Indian Affairs, dated the 25th ultimo, inclosing House bill 3804, entitled a bill "To appropriate \$400,000 to the Creek Nation of Indians, as per third article of treaty of 1866," with the request for any suggestion or recommendation therewith that the Department can make.

The bill enacts that "the sum of \$400,000 be, and the same is hereby appropriated, out of any moneys in the Treasury of the United States not otherwise appropriated, to pay the Creek Nation of Indians in the Indian Territory, as provided in third article or treaty proclaimed August 11, 1866, between said Creek Nation and the United States, said sum to be paid to said Indians per capita, under the direction of the Secretary of the Interior, as provided in said treaty."

In reply I have the honor to state that, on the 10th day of July last, a Creek delegation consisting of L. C. Perryman, principal chief, N. B. Moore, treasurer, Ward Coachman, president House of Kings, and Roley McIntosh, speaker House of Warriors, addressed a communication to this office inclosing an act of a called session of the national council of the Creek Nation, approved June 22, 1889, by which act the Creek Nation appropriated the sum of \$400,000 to make a per capita payment to the Creek people out of moneys secured to the Nation by their treaty of 1866, for the purpose of relieving their pressing necessities and to afford means for the improvement of their houses and farms.

In the above letter of the delegation a request was made to be informed whether, under the third article of their treaty of 1866 (14 Stats. 787), a part of the consideration to be paid for the cession of their lands is at present available, and, if so, whether the consent of the Department could be obtained for the payment per capita to the Creek people of the sum named.

On the 19th day of July the papers referred to were submitted to the Department, with an opinion that "inasmuch as the \$400,000 have never been directly appropriated by Congress and are not carried on the books of the Treasury and this Department, and further, that the United States have never received any revenue from the sales of Creek lands to other Indians, the said amount can not be paid without an appropriation by Congress."

On the 24th day of July, the Department replied to this report, concurring in the above opinion, and directed that the matter should be presented to Congress at its next session. Under the third article of the treaty above referred to, the United States agreed that the sum of \$400,000 should be paid in money and divided per capita to the Creek Nation, unless otherwise directed by the President of the United States, under the direction of the Secretary of the Interior, as the same may accrue from the sale of lands to other Indians. This provision of the treaty has never been carried out.

Under this article the Creeks are receiving by annual appropriation 5 per cent. interest on the sum of \$675,168. The Creeks desire that \$400,000 of this sum shall be appropriated.

The Creek Nation now has a principal amounting to \$3,399,368, yielding an annual income of \$169,968.40. If this appropriation shall be made by Congress, which is recommended by this office, the income of the Nation will be reduced to \$149,968.40—a reduction of \$20,000—which sum will be ample for the support of its government, schools, and other institutions, and will be a saving to the United States in the sum of \$20,000 annually.

I return herewith the letter of the chairman and inclosure.

Very respectfully,

T. J. MORGAN,
Commissioner.

THE SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,

Washington, March 10, 1890.

SIR: Referring to office report dated the 4th instant, on House bill 3804, entitled a bill "To appropriate \$400,000 to the Creek Nation of Indians, as per third article of treaty of 1866," I have the honor to supplement said report with the recommendation that said bill be amended by the addition of the following proviso, viz:

Provided, That the Creek Indians shall receipt to the United States for the above sum in full for the \$400,000 named in the third article of the treaty between the United States and the Creek Nation, proclaimed August 11, 1866.

Very respectfully,

T. J. MORGAN,
Commissioner.

The SECRETARY OF THE INTERIOR.

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